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The G R O U N D S
O F
O B E D I E N C E
A N D
G O V E R N M E N T.

R

BY

Thomas White, Gentleman.

Salus populi, suprema lex esto.
Tullius de legibus, lib. 3.

L O N D O N,

Printed by J. Fleisher, for Laurence
Chapman next door to the Fountain
Tavern in the Strand, 1655.

39 B

THE GR O N D S
OF
O B E D I E N C E
A N D
G O V E R N M E N T.

**Bayerische
Staatsbibliothek
München**

Thomas Hobbes

A new edition, with a new
introduction by the editor.

—————

10733
Printed by J. Johnson, for J. Johnson
and W. Taylor, at the Strand, 1773.

TO

My most honoured,
and best Friend,

Sir *K E N E L M E D I G B Y.*

Sir,



He many attempts
you have this long
time made upon
me, to declare a
point of Philoso-
phy, wherein partly I was igno-
rant, and partly loth to meddle
(being mindefull of the Poets
admonition, *Incedis per ignes
suppositos cineri doloso*) have at
the last beaten out of my resi-
stance, this little sparke of fire,

A 3

or

The Epistle

or rather light; borne by the Authors intention, to shine, not to burne. For, having by experience of many our debates upon single points, found that such skirmishes were not like to gaine the victory of satisfaction upon your so solid understanding; I saw my selfe forced to lay before your eyes, in one Platforme or designe, the most intimate and bottome principles of Obedience and Governement. The which, I have strived to doe in the most short and summary manner I was able: not willing to bee over-curious in so awfull a subject. I play therefore the pure Philosopher. I deliver
the

Dedictory.

the abstract notions onely :
leaving to the prudence of par-
ticulars, to draw such conse-
quences, as every ones circum-
stances shall make necessary
and evident unto him by the
short hints I give. And as for
your selfe, I doubt not but my
time is well employed. As
for others, I feare the fortune
of my other Writings, may
prove constant also to this ;
that it will finde, those who
reade it not, or who cannot
judge of it, severe Censurers :
and those who like it, fearfull
to oppose so loud and clamo-
rous a multitude ; or at least,
stonned with the adverse noise.
But for this, let the eternall Pro-
vidence

The Epistle Dedicatory.

vidence care. To me such clamours will bee no novelties: But the content of having given you satisfaction, an abundant reward of the endeavours of

Sir,

• Your true friend, and
most obliged Servant,

THOMAS WHITE.

The CONTENTS.

GRound 1. *Wherein consists the
Perfection of Government.*

Pag. 1

Ground 2. *That the Nature of
Man reacheth not to the Perfection
of Government.*

P. 9

Ground 3. *That a Rationall be-
liefe is necessary to Humane A-
ction.*

p. 12

Ground 4. *Of the vertue of Obe-
dience, and wherein it consists.*

p. 19

Ground 5. *That Fidelity is diffe-
rent from Obedience; and in what
it consisteth.*

p. 27

Ground 6.

The Contents.

- Ground 6. *In what consists Right
or Due.* p.34
- Ground 7. *Why men desire to live
in Community ; and of the neces-
sity of Governement.* p.40
- Ground 8. *Of the Authority given
to an absolute Governour ; and of
under-sorts of Governement.* p.48
- Ground 9. *Of Slavery and the law-
fulnesse of it.* p.53
- Ground 10. *Why a man is to ha-
zard himselfe for the common
good.* p.67
- Ground 11. *The Quality and Ra-
tionall power of a supreme Gover-
nour.* p.78
- Ground 12. *Who is such a Gover-
nour, and the Subjects duty to-
wards*

The Contents.

wards him.

p.94

Ground 13. *Of the Qualities of
Lawes and Commands, in respect
to Obedience.*

p.101

Ground 14. *In what conditions
the Subject may resist Governe-
ment.*

p.109

Ground 15. *Wherein consists the
power and liberty of the Sub-
ject.*

p.120

Ground 16. *Of the dispossession of
a supreme former Governour, and
of his right.*

p.131

Ground 17. *Of a supreme Gover-
nour dispossessed.*

p.144

Ground 18. *The Objection of Di-
vines answered.*

p.158

Ground

The Contents.

Ground 19. *The Authority of
Lawyers insufficient in this Que-
stion.* p. 173

THE

THE GROUNDS

OF

O B E D I E N C E

And

G O V E R N M E N T.

The first GROUND.

*Wherein consists the Perfection of
Government.*

X *Enophon*, in his excellent Booke of the instruction of *Cyrus*, moves this Question, Why, of all other living Creatures, which are of different Natures from Man, wee easily attaine to the mastery and rule; but few men are so intelligent
B as

as to be fit to governe Men ; and thole few are the highest and worthiest part of Mankind ? But, to me, the very Question seems to beare the solution in its owne bowells. For, when one asks, why Man is hard to be govern'd since he governes other Creatures ; hee asks, why one, who hath the power to rule others, is himselfe so difficult to be master'd : and the answer is, because the powers, by which he reduceth others to his obedience, makes him apter to resist them who seeke the conquest of himself ; and so renders it a higher taske to weild and manage him, then thole Creatures which he hath power over.

For, we need not looke into Philosophy, nor study learned Bookes, to know that the nature of Man is inclin'd to have its owne will, and casteth all things which
are

are under his consideration to compass and effect it; as also, that every ordinary mans knowledge and consideration is farre beyond any we find in other living Creatures; and, by consequence, is farre lesse easily masterable then any of them.

Whence we may plainly collect, that were it possible for a Governour to make every single person in his Dominion particularly understand, that what was ordered by the Governement was his owne truest interest; such an one would be the most absolute and perfect Governour; and infallibly would find the charge of governing most easie and sweet, as well to himselfe as to his Subjects.

This Case is cleare both in Reason and in Experience. Reason sheweth us, that to draw any thing to Action, according to its owne fit-

nesse and inclination, is both easier to the attempter, and makes the action it selfe more efficaciously and thoroughly performed. He that will drive a wedge into a hard piece of wood, strives, as far as the situation gives him leave, to make his hammer fall downewards, because a weight hath, of it selfe, an inclination that way, and so both the impression is stronger and the arme lesse strain'd, knocking and the very fall of a weight encreasing by motion downewards : Therefore Black-smithes, whose continuall labour is to use the hammer, lay their iron upon their anvile, that is, in such a situation below their heads, as is most fitting to gaine the best advantage of the descent of their hammers, which they first raise to give them scope of a descent.

Upon this principle it is, That they who tutour Dogges, Hories, Elephants

Elephants and Hawks, knowing the ordinary attractive of Beasts to be meat and some kind of Flattery, make them understand, to the proportion of their capacity, that to do the action they breed them for, gaines them food; to which they joine also certaine motions of stroking and gentle words, that make an impression in the Beast of its owne excellency, and that it pleaseth its master. In like manner, to deterre them from certain actions, cudgels, whips, and harsh words are used; which have a notabler efficacy then one would easily imagine, if he saw it not by experience.

This, now, being apply'd to Mankind, drives the effect home. For Man, being a rationall creature, (whose inclination it is to worke according to knowledge) desires to know that the worke prescribed him is good, that is, good

for him, or his good. And because if two actions be proposed, whereof the one is better for him than the other, the lesse good action deprives him of some good which the more good had brought him; his inclination leads him to do the better, and by consequence to know and dispute which is the better; which is as much as to chuse betwixt them; and this we call being *free*, or having naturall Liberty to do one and not the other. So that, the Nature of Man is to be *free*; and to act what ever he does, because it seems to him the best.

Whence it is evidently concluded, that the perfectest way and most connaturall for governing men is, by making them determine themselves to their actions, and to proceed freely, and act, as it were, by their owne inclinations. This if the
Gover-

Governour can effect, hee shall finde both his intent generally performed, becaule the Subject proceedeth with much affection and courage; and seldome or never will his Commands be resisted, or their obedience repented: For, men are not wont to repine often at what themselves chuse and judge best for themselves; especially it, even after the action performed and peradventure the attempt failed, yet the Subject remaines satisfied, that it was best for him, in those circumstances, to do what he did: Now, if the reasons were solid when the Governour proposed them, such must of necessity be, for the most part, the sequell.

Experience maketh this same as manifest as Reason concludeth it. What Mother or Nurse doth not seeke to perswade and win the yet sucking childe with gay things, with Flattery and such demonstrations of

Love (that is, of the child's good) as the child is capable of? What Master or Father draweth not his Boyes to schoole and fitting exercises, by promises and propoalls of good, as play, goodcheere, fine cloathes, and any other toyes fuitable to their tempers? The stronger ages have stronger Motives; as, of Honour, Lands, Offices, and the like: by which we see the most part of men led, not onely to Labour, but even to hazard their lives and those very goods which are proposed them for motives of their actions.

On the contrary side, how ill do those enterprises thrive, where the Actors conceive themselves either not concern'd or wrong'd? How diligently are excuses sought out and easily found, and every cause of delay judged sufficient? How readily (if the Actours be in great multitudes (as Soldiers or Scholars

lars) do seditions and mutinies spring up, and all disorders grow bold and spread themselves, the Commander of the action hated and esteemed an oppressour and a Tyrant, his Officers scorned and disobeyed?

This then is, of all hands, concluded, that the proper and naturall way of Governement is, by making the obeyer understand that it is his owne profit which the action aimes at; so to make him work out of the inclination of his owne will, and the dictamen of his owne understanding.

The Second GROUND.

That the Nature of Man reacheth not to the Perfection of Governement.

NOtwithstanding this inclination be so naturall to us, yet

Nature is not able to make it perfect in most both persons and actions. Children are not come to the ability of judgeing; some others are so grosse of capacity, they cannot bee brought to understand their owne good, at least in that time and circumstances which Nature hath provided them; Most spend so much of their day in some one Businesse, which they have chosen either for their Livelyhood or pastime, that they have not sufficient Leasure to attaine the Knowledge necessary for other occurrences of their life: Even the greatest Wits are not capable to understand the nature of all things necessary to their owne private conditions. The Prince himself must trust the Physician, the Lawyer, the Mariner, the Soldier, the Merchant, the Cook, the Brewer, the Baker, and divers other Trades and Knowledges, which he hath no possibi-

possibility to understand so perfectly as to be a Master in them.

Nevertheless, Nature doth not recede wholly from her Principle, in thus subjecting one mans understanding to anothers, and the greater most times to the lesser. For it doth not this, otherwise then by making the party subjected see, it is his owne good to trust another's skill. Wherefore, it is true, that he followes his owne inclination, and is ruled by his owne understanding; and so governes himselfe; onely, hee is a degree higher, not busying his thoughts about the particular worke, but onely about chusing the master of the worke, or about his own submission, that is, his owne action, as he is a man, and his action as that of a man, and not of a Physician or Pilot, or such other particular discipline or Quality. It remaines therefore still that
hee

hee is free, and Master of his owne action and the commanding part of it.

The Third GROUND.

*That a Rationall beliefe is necessary
to Humane Action.*

OF those things to whose knowledge wee cannot our selves arrive, but must rely on the credit of others, there are two kinds; some purely to be believed, others to be also acted. As, when we informe our selves of what passed in some forreigne Country, or of the nature of Trees or Beasts wee never have use of; wee are barely to assent to what is delivered: But, when a Physician telleth us wee must take a Purge or keepe such a Dyet; wee doe not onely believe him

him but act according to our beliefe. Now, though in truth this second sort belongeth properly to our discourse apart, because the nature of pure beliefe is intrinsically included in it, as a part in the whole; yet wee must first note the Errours to bee avoided in a meere speculative assent: And these are two; one of *defect*, and one of *excesse*.

The vice by *defect*, warnes you to believe no thing but what your selfe understand, that is, indeed to *believe* nothing at all. But, were these men bound to their own Law, that they should take no Physick till they knew it would doe them good, at least as well as the Physician doth; nor trust their cause to a Lawyer till they understood the subtleties as perfectly as hee; and so in other vocations; I doubt they would have neither health nor wealth

wealth for Physician or Lawyer to worke upon.

But, because those who advance this proposition are persons of wit, I must not think they stumble at so notorious a block: Therefore, their meaning is onely, that wee ought not to beleeve, but what we are able to understand if wee had will and leisure to study. But, even so explicated, it is a most wilfull proposition, reason being quite on the opposite side: For, let the Authority which denounceth me a Truth, be sufficient to make it credible, and overvalue the mysteriouse of the object; and the higher it is above my knowledge, the more necessity there is of believing it. What is but a little above me, I may easily come to know; and so need not believe but take paines and see it: Beliefe is ordained for Truths whose direct and immediate evidence wee cannot

cannot compasse; and therefore is more proper, more due, more requisite for such as are above our knowledge.

But, peradventure these smart persons do suppose that all things which have a possibility to be knowne, are the subject of mans wit; and so take these two to signifie the same sence, that the object is such as we are able to understand, and that it is understandable, or doth not couch a contradiction in its termes: and peradventure conceive themselves able to shew contradiction in whatever they refuse to believe. If this be their meaning, the maxime they goe upon is safe; but they must be very careful not to subsume or apply it to particular instances without much consideration: For, ordinarily, the authority is very great which by understanding men, is alledged for remote

mote and high truths ; and so is dangerously neglected, without an exact perusal and anatomy of the truths maintained by it.

There are others for prodigall of our naturall endowments, that they will teach us a kinde of contempt of reason and understanding. In a word, their position is, That, though you be certaine the proposition made (for ought you know) is false, neverthelesse, you may and ought to think it true: which how to excuse, from being an irrationall act and a pure folly, is beyond my skill ; at the same time to be assured it is uncertaine, and to hold it for certaine is, to mee, an impossibility. Doe I not hold that which I am certaine of? that is, that this truth is uncertaine? How then can I hold it is certaine? Put this in the mouth of a witnesse in any Court of Justice, and teach him that,

that, though hee know certainly hee doth not perfectly remember whether hee saw the man killed, yet hee may sweare hee saw it; what Justice will remain uncorrupted?

Passion and Precipitation may prevail with us, to judge that cleare and evident which is not so, and carry us to believe and affirm it; but that reason should make us believe what it telleth us it seeth no ground for, or not sufficient, is to me, an assertion the most unworthy, the most contrary to reason, and the most biaſſed by interest that can be imagined. If our nature be rationally, if all our actions should be conformable to our nature, and governed by reason; there cannot bee a more pernicious proposition, then to tell us we must assent, when there is no proportioned motive think wee ought to assent.

Thus much I thought fit to say concerning the errors of belief in
specu-

speculation ; because believe in practicall things, and which concerns our actions , depends of it, and includes it, and is, in part, regulated by the same rules. The believing of practical things begins to trench upon the subject of our main discourse : for it is the first and most simple or uncomposed degree of government and obedience, and so the very roots of both are dependent from and to be discovered out of it.

For, wee experience by our ordinary apprehensions, that wee esteeme a Physician, a Lawyer, a Schoole-master ought to bee obeyed, though wee doe not acknowledge in them the power of a Lord or Magistrate. And so wee say, the Scholler will never profit, because he will not doe what his Master would have him : The client loseth his cause, because he would not obey his Counsell: The Patient recovers not, because he follow-

loweth not the advice of his Physician. And though we doe not lay the Doctour or Counsellour commands his Patient or Client, yet, if we look into it, he both rewardeth and punisheth, which are the concomitants of commanding. For who obeyeth is rewarded with learning, health, and prosperity, and who disobeyeth is punished with Ignorance, sicknesse, and losses.

The Fourth GROUND.

*Of the vertue of obedience, and
wherein it consists.*

OUt of this we may easily understand what nature intends by the vertue of obedience, and what are the limits and Lawes of it. For it is plaine, the immediate end is that our workes and all that
con-

concernes us may be well done, *even* as to those things wherein our selves have no skill, or not enough, and the more remote end to bee atchieved by this is, that our life may bee good and happy, and the end of Nature arrived to by us. The conditions likewise are cleere: First, that the matter of our action bee such as our selves are not sufficiently skilfull in; the second, that our Commander bee a master in that art; the third, that hee bee a good and honourable person, in whom wee may rest confidently he will deale with us conformably to his skill, and not wilfully or for his own pleasure, or interest, doe any thing against our good and profit.

If the first bee wanting, wee also our selves are wanting to our selves; for Nature hath endowed us with reason to provide for our owne good by this power: againe, it is
non-

non-sence and folly to expect another man should be more carefull of our good, then our selves : And suppose it were so, it were either our fault or his, and for ought to be mended on one side ; our fault if wee be not so sollicitous as wee ought to be, that is, as much as the weight of the affaire requires ; His if he be more sollicitous of our good then the same demandeth, and soe hee who professeth such a care may be feared to be a busie fellow, and one who aimes at his owne profit under colour of love, unlesse it be in an evident neglect of ours, which cannot well be imagined of one who is ready to obey another.

If the second condition be wanting, there can be no vertue in obedience, since it will nothing mend but rather impaire our life, and to the import of that action, destroy our pretence to happinesse, to sub-

submit our selves to one who hath no more skill then wee, nor can bee rationally suppoied to bear us more love and care, or that hee will or ought to imploy himselfe in our particular businesse more attentively then we our selves.

As for the last condition, without it obedience is a plaine precipitation of our selves into misguidance and absolute ruine, and therefore a pernicious & wicked practice.

By this discourse wee may understand, it is a fallacious principle, though maintained by many, that obedience is one of the most eminent vertues, and that it is the greatest sacrifice we can offer to God, to renounce our owne wills, because our will is the chiefeft good wee have. For, not denying that obedience is a great vertue; it being, truly in it selfe, the affection to moderate the pride of our understanding

ing, which is subject to make us think too well of our owne opinions without having evidence of the truth of them, and so hinder us from candidly seeing and acknowledging the truth (an inclination of all others most deeply rooted in our nature, and both most hard to bee conquered, and most pernicious to be followed) and therefore, the vertue which tempers and moderates this passion must needs be very excellent: yet I cannot give it so high a rank, as to preferre it before all.

For, I see it is only a vertue in case of imperfection, as Penance and some others are; it being grounded on this, that a man is ignorant in those matters wherein hee ought to bee obedient. But, the reason displeases mee more then the conclusion: For what signifieth this, that it is the greatest good we have and can renounce for Gods sake? If
it

it bee a great good, it is no vice, no excesse, but a naturall power or exercise of a power given us by Almighty God ; and then would I know, why to renounce such a thing is pleasing to him. Can we think it were pleasing to God for any one to binde up his armes or legges, or cut off his hands, pretending to doe it for his sake ? Hee that made them gave them us to use ; and there by commanded us to use them according to the manner intended by nature ; and, if wee doe not so, wee offend him.

There is a story of *Origen*, that he exsected his virility, thinking to please God ; but the same story saith, hee was reprov'd by the whole Church, and excommunicated for the fact : *Simeon Styletes* is reported to have chained himself upon a hill, that he might not goe thence ; but he was taught that such impotency

cy was fit for beasts, not men. So that, to renounce any natural faculty or the legitimate and fitting use of it, under pretence of pleasing God, is a folly, not a vertue.

But, let us see what power it is that wee must renounce; *our Will*: and this word doth not, in this place, signifie any interested affection or malicious resolution; but that will which followeth and is guided by our understanding, and that truth which God hath made us capable of: Therefore the renouncing of this will, is, withall, the renouncing of our understanding; that is, of our wits and manhood; so that it is in effect to renounce our rationality, and that by which we are the image of God. If any man should take a fancy to goe upon all foure like a beast, or subject himself to bee led in a string like a Beare about the Countrey; would not all wise men cry out on
C him

him for bestiality, and thinke him unworthy the conuersation of men? How much greater is the indignity of him who permitteth himselfe to bee carried in his whole course of life, and those actions that most concerne him without using that wit or understanding which hee hath, and by the sole direction of another?

Hee can bee accounted so farre no better then a clock or watch, which tells the houre by the wit and industry of the maker, not by any sense or worth of its owne. If therefore, to renounce our wills for Gods sake bee to bee accounted a sacrifice; as farre as my understanding reacheth, it is no other then that the Scripture expresseth upon another occasion, to wit, one by which the sons are sacrificed to the father, the image of God defaced to the glory of him whose image he is.

The

The Fifth G R O U N D.

That Fidelity is different from Obedience ; and in what it consisteth.

BUt leaving this mistake of simple devotion ; of which wee needed not have spoken so much, had there not depended on it some matter of greater consequence (as the following discourse will manifest in its due place :) wee are to take notice of an equivocation which may draw on some error if not prevented. Wee use to say serving-men and waiting-maids ought to be obedient to their Masters and Mistresses, whereas indeed, the virtue by which they serve is not that of obedience, but of fidelity and truth, which is manifest to him that looks into the nature of hirelings.

C 2

For

For, none thinke a husbandman, who is hired to till or fence a piece of ground, obeyeth the hirer more then hee that selleth a piece of cloth or other merchandize obeyeth the buyer, because he taketh his moneys; but they are said to contract and performe their part of the bargaine faithfully and truly. So servants pay their duties, performe their bargains: and Fidelity is their proper vertue; to doe it carefully, and uprightly; not Obedience.

For, Obedience is in such actions as are the proper actions of the obeyer, which concerne his life, and by which hee may derive good if well done, and harme if amisse. Now in servants the good successe pertaineth to the Master, the servant hath his livelyhood and wages, whether the event goe right or wrong, so hee doe what his Master commandeth. And hence it fol-

followeth, that neither ought hee bee ignorant in the action hee doeth, nor sollicitous whether his Master bee either skilfull or honest: For, since what is done concerneth not him but his Master, his duty is to seek to doe what hee is commanded in the best way he can, without interressing himself about the successe. This I say, as farre as he is a serving-man; but as hee is also an honest man, it may belong to him to suggest to his Master what hee thinks best; and, sometimes, when it lieth happily in his way, to help such errours of his Master as he can: without trenching on his Masters credit; still providing for his own indemnity: that hee bee not involved in his Masters either imprudence or iniquity; for by his bargaine with his Master, he did not renounce the care of his own preservation.

The reason of this equivocation

is because wee ordinarily call *obey-
ing* the doing another mans will :
and distinguish not how, sometimes,
this is done with renouncing our
own wills, which is in those actions
whereof wee are Masters, that is,
our owne actions ; and, sometimes,
without such renunciation, as in the
actions which belong to others, in
which wee have no will to re-
nounce. Now Obedience as it is a
vertue especially attending on the
renouncing of our wills, is properly
confined to the former sence, not to
the other ; with which it onely
hath an alliance in the name, and
which truly is Fidelity, as we have
already declared.

But, although Fidelity bee a di-
stinct vertue from Obedience, yet is
it not such a stranger as not to de-
mand a place in this Treatise : espe-
cially because the kinde of Obedi-
ence wee desire to look into, which
is

is that by which Common-wealths and Communities subsist, is founded generally on Fidelity, or the matter thereof which wee call Promise, and in that vertue it bindes to observance. After which discourse wee shall bee prepared to venture on the matter it self of Government, and, to our power, declare the force of it amongst men.

Man therefore being by his nature and definition a reasonable, that is, an understanding Creature, or one whose primary and principall inclination is to truth or true knowledge; and the outward carriage and action of man being naturally proportionable to his inward substance; it is cleere his chief property, by which he behaves himself outwardly like a man, is to speak truth, and to doe as hee sayeth, when his words have action following them. Hence it is, that though *Honesty* (which in a

Courtlyer terme is called *Honour*, when applyed to a rationall carriage, and in a more spirituall language, (*Conscience*) bee extended to many other qualities, yet it is most frequently and principally expected in his keeping his word; in so much that though hee have other faults, either spirituall or carnall, yet if he be *true of his word*, he, often and in ordinary conversation, passeth for an *honest man*.

Againe, this vertue of *Truth* is the principall and first engine of humane conversation, and he that hath it not is unfit to be admitted to treat amongst men, but is to be rejected and banished from all Negotiation. Thus you see what engagement every one hath, both by nature and necessity of conversation, to stand upon his word or fidelity: For so we call the vertue by which we speake our mind in reference to action, and
are

are constant to performe what wee say.

Yet, since malice is growne to such a height, all nations, who pretend to the feare of any Deity, have used to make men confirme their faith and promise by the invocation of the Deity they worship; hoping Religion may worke in them what Nature is not strong enough to effect. This confirmation is performed in two sorts: One, when we onely call God to witnesse; as when we say, God, who sees my heart, knowes this to be truth, or that I meane as I speake: The other, when we pledge our trust in God for a security; as when wee wish God may punish us, or never doe us good, if we break our promise. And this is properly an execration, as the other an oath; yet both called oaths, and agree in this, that we pledge our beliefe and feare of

C 5

God

God, to another, for his security.

By which it is evident, that men generally esteem Religion the thing which should pierce deepest into a mans heart and affection; and the strongest Bond and tye of Faith and honesty; and that he, who setteth little by his Religion, hath neither honour nor honesty in him; or at least wanteth the greatest and strongest part of them, and that which ought to rivet in and fixe the naturall inclination which we have to truth and fidelity.

The Sixth GROUND.

In what consists Right or Due.

THE next consideration may appear too Metaphysicall a subtlety for a Morall treatise: yet such it is, that the ignorance of it
is

is mother of many mistakes and quarrells. We ought therefore, to know that a man, considered in pure Nature, lookes on all other things, Men and Beasts, and insensible creatures, as his subjects to worke on; his onely rule being Reason, which takes nothing to bee good but what is good to himself; and makes the rule of his actions, to do what is fitting for him or conformable to his, that is, to a rationall nature. By this rule he treats another Man, otherwise then a horse or a dog, and them otherwise then a tree or stone: For Reason is a faculty to use every thing suitably to their natures; as, to take a knife to cut, a horse to ride on, a man to read or write or be his Counsellour. And this runs through all his actions.

But as, though a Taylor or Mariner governe himselfe by this rule,
even

even when he playeth the Taylor or Pilot, yet none can doubt but the rules of Taylorship or Steerage are different from this seeking his owne good and applying all things to that end : So, neither can any justly doubt but the art of a Lawyer or Counsellour is different from this principle which belongeth to all men.

And to find out the difference, wee are to reflect, that he who maketh a promise to another, so it be a perfect one (which we adde to decline the question of what promises oblige, what not) puts himselfe and his Promissary into a rank of agency and patiency, on a new score, to wit, that of fidelity and negotiating : So that now, not the nature of the two men, but their words, and what followeth out of them, ground their being active and passive. This power of activity is,
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in Latine, called *Jus* or *Justum*,
in English, Right or Due.

The difference of these two Arts
is, One considers onely what is
noble, and manly, and Conscience;
the other, what is according to
promise and consent of parties.
Whence we finde, by the vertue of a
promise, a new order growne a-
mongst men following out of pro-
mises : Wherein three things are to
be considered ; The engagement of
nature and honesty ; The confir-
mation by oath ; and lastly, This
right and duty which ariseth from
the promise : For, whoever pro-
miseth, submits himselfe to his
promissary, and becomes his Sub-
ject, as far as the contract reaches.

The first mistake that springs
from the ignorance of this diffe-
rence is, the great noise we heare of
the Law of Nature and the Law of
Nations. For, we are made ima-
gine

gine that Nature hath bound us to certaine Lawes, and not left us to the Liberty of Reason, where no pacts or agreements intervene : As, that men ought to give free Trade to leave the Seas open, to give immunities to Ambassadors, and the like : For these either depend on Custome and Consent, or are free for every man to dispose of, according to his owne profit, necessity, or convenience of his affaires.

It is true, there is an inclination in man, from reason, to do another any good I can without my owne prejudice, and to have a desire to keepe peace with all men : But if I do not, it followes not that I wrong him, even though I do him harme or seeke his ruine ; But I wrong my selfe, nature binding me to make my carriage to every one rationall and becoming a man : For he is no otherwise to me then
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a piece of cloath or wood, which I cut and shape after my owne will, fittingly for my use. And, on the contrary side, the party prejudiced or refused a Courtesly, gets no right over me to revenge himselfe : But Nature and Reason teaches him, peradventure, that it is good and prudent for him to hurt me, to prevent a greater milchiefe to himselfe ; and he doth right to himselfe in harming me, because he doth an action rationall and suitable to manhood.

The different consequents of the two positions, will appeare in this : That, if there be, in nature, radicalled such an order of right and naturally just or due (as many hold) it is a thing that reason can never infringe, nor can any thing justifie what God hath shewed us by example, and we see wise Politicians practise sometimes, when, without crime
or

or offence offered, they make themselves Masters of convenient places: But, if there bee no such right by Nature, then Reason is left Mistressse to judge whether it be conformable to the nobility of man to do such an action or no.

The Seventh GROUND.

Why men desire to live in Community; and of the necessity of Government.

NOT to make the foundations or under-ground workes bigger then our building; It is time to enter upon our pretended subject of *Government* and *Obedience*, and examine what it is maketh Government necessary to Mankind. And, because the Government we looke upon is that of a multitude; first
it

it is fit to understand why men desire to live in flocks or multitudes. Neither can any who hath never so little skill in nature doubt, but, as pleasure masters and heads all our actions, so likewise doth it this of living in society.

The first community is of Man and Wife. Who seeth not the power of pleasure in their mutuall society? *Aristotle*, out of experience, teacheth us that we take pleasure in conversing with handsome persons. And if wee consider pleasure to be nothing but the knowledge or sense of our being well or receiving some good; and, that the immediate cause of pleasure is the impression which some naturall or apprehended good maketh of its owne presence; and that good signifieth connaturall or fitting for us; wee shall perceive that Handfomenesse in our owne kinde must of necessity cause pleasure

sure in us ; the impression it makes by our eyes being of the features and colour due to the perfection of our Nature ; a gracefulness, not onely of gesture and voice, but even of wit and discourse being regularly the ground of the outward beauty. So that (if Nature hath not miscarried) all the parts and actions of a beautifull body are gracefull to nature, and breed pleasure in others who injoy them by conversation and, as it were, communication.

This then is the first origine of meeting and living together ; as, whosoever lookes into experience will easily discover : For, he will finde most men burthensome to themselves when they are alone, and to seeke company to divert themselves, so to elude the length of time. I remember to have heard a Country fellow complaine of the losse of a Dog which was stollen from
from

from him ; and gave for his reason, that he was to travell a whole night alone, and the Dog would have beene an excellent companion to him. Bees also, wee know, love company. Horses not onely labour, but even eate better amongst their fellowes : and we often heare sickly stomachs thank those that visit them for the good meale they have made, as if the company helped downe their meat. Pleasure therefore and Love is the first combiner of men into Society.

The next is, that God and Nature have so managed mankind, that no one hath of himself, as much as he desireth ; but regularly aboundeth in one kinde of goods and wants some other which his neighbour hath : Hence, they mutually affect Society ; to bee accommodated with such necessaries, as they cannot have but by communication one with another.

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In the third place comes Feare: for hee that findeth himſelfe ſtored with thoſe things which hee and others love, is ſubject to feare thoſe whom hee ſuſpecteth able to bereave him of them; and ſo ſeeketh company of friends for protection. Nor doth any one feare to loſe but what he affecteth to have; ſo that firſt love marcheth in the van, and feare followeth in the reare. Beſides, it is againſt all generoſity, and embales Nature it ſelfe, to ſet the Throne of Feare above that of Love; and agreeth neither with Philoſophy nor Morality.

To make a ſtep farther: Granting once men to be deſirous to live together, and taking notice of the paſſions they are ſubject to, and how ſelf-love corrupteth the judgement of almoſt all in their own caſe; it is evident they can never live in quiet and content, unleſſe there bee ſome way
con-

contrived of agreement, when passion stirreth contention. They must therefore, necessarily, give consent, to end their controversies by some means. And since reason is our nature; and every ones reason freer to see the truth in anothers case then in his owne; and a wise and good man fitter then a fool or knave, the most naturall way for a multitude to live in peace is to have some man or men, accounted wise and good, chosen, to whose arbitrement all the rest ought to stand; the stronger part combining to force the weaker, in case of resistance; that is, the disinterested part, which is the multitude, to force the interested, which generally are but particulars if compared to the body of the people.

Here you see the nature of Government begin to appeare. But, to make it perfect, wee must farther consider

sider, That many commodities are necessary to a multitude, which are to be furnished by common consent: That likewise there are many forraigne enviers to a multitude which liveth handfomely and happily: And in conclusion, that to provide for goods and prevent evils in common, is a matter of so great weight and difficulty, that it taketh up the whole life of one or more men; and by consequence, these busineses cannot be carried on by the whole body of the community, whose worke and aime is to enjoy themselves to their proportion, in getting by their labour, those accommodations of humane life, which they esteem necessary or conducing to their happinesse. It followeth therefore, they must entrust some more or fewer to take care of the common concernements.

Such Trustees are called Governours, and the community is said to obey

obey them ; and according to the principles forelaid, you see the people are supposed ignorant of what ought to be done for the publike, this being a businesse requiring a mans whole time ; which they neither can spare, nor doe desire to employ in this way : You see they entrust others in whose prudence and goodnesse they confide ; and themselves execute what their Trustees think fitting, either by practising when they are commanded, or giving a sufficient force to their Governours to master such restif parties as will not obey : In conclusion, you see Gouvernement is, naturally, a power or right of directing the common affaires of a multitude, by a voluntary submission of the communities wills to the will of the Governours ; whom they trust, upon opinion that they are understanding and honest, and will administer
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the Commonalty by the rules of wisdom and goodnesse, as is most convenient and advantageous for the people.

It seems to mee no moderate and discreet person can doubt but a Government so ordered is both necessary and connaturall to a rationall multitude, and, in a word, such as humane nature requires; and is the best, if not the onely, that suites to the disposition of free men and prudent.

The eighth G R O U N D.

Of the Authority given to an absolute Governour; and of under-sorts of Government.

BY this resignation of the Peoples will, it is also evident, the Magistracy receives such an activity
and

and power as, wee have explicated before, did arise out of a mans promise to his neighbour : and by consequence, that the people as farre as they have renounced their owne will, so farre they have no power left in them to contradict or resist the orders of the Magistracy.

I say, as farre as the People have submitted their wills : for since this power is in the Magistrate in vertue of their wills, it cannot extend farther then the peoples promise : So that if the people binde their Magistrates to certaine Lawes and Limits; hee hath no right to transgresse such Lawes, or extend himselfe beyond the prefixed limits, by his installment, and the original power given him : but above all, he cannot dispose of one chip or dispense in one the least law; farther then he apprehends it as fit and necessary to the good of the Common-wealth : and, if hee

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doth, hee exceedeth his Patent and power. True it is, there is a great discretion to be used in such limits, and the prudent Governour will see that the good of the Community requireth many of those dispensations, which carelesse Governours use out of an overweening of their owne height and power.

Having thus declared the nature and conditions of naturall Government; it is not amisse to see whether there bee any other Governement; and wherein distinguished from this. And casting our eyes round about us wee quickly perceive certaine communities which pretend to a defective Governement: as Companies of Merchants or Trades-men; Universities and Colledges of Schollers; and Cloysters of men and women, who pretend to employ themselves wholly to perfect their soules towards eternall beatitude. All these
have

have a participation of Government; but have not the universall administration of humane goods and evils: For, power of life and death, generally, they have none; and are subject, for the most part, to appeals from their judgements, in matters of great consequence: neither have they any power of peace and warre: And if sometimes any of these royalties belong to them; it is not as they are heads of such Communities, but as they participate of Sovereignty by priviledge, or accident.

These therefore are distinguished from the Government wee pretend to declare; as being slight imitations of it, and certaine likenesses, not the power it self; or as some Art or Trade is different from Morall Philosophy, which is Mistresse of the will, and all her actions; the others being but Ushers to the parti-

cular, as it were formes or rankes in which petty things are taught. In fine, these others are to our Government, as particulars to the universall. The Governement therefore which wee explicate is that which hath power, either of all things belonging to the people it governeth; or at least, of all comprehensible by Nature and falling under Sence and Experience. The first of these wee see in the *Pope* and such *Bishops* as are withall *Secular Princes*; the second, in other Christian Governements either of *Princes* or *Common-wealths*, where the Spiritual jurisdiction is acknowledged to be higher and greater, though not commander of the Temporall.

But wee seeke farther, whether there bee any supreme Governement different from this wee explicate, or no: And the occasion is from what wee see in certaine instances, that

that there is a kinde of command or rather subjection, which wee call Slavery, exercised, not onely amongst Heathens, but even Christians, who have more conformity to nature.

The Ninth GROUND.

*Of Slavery and the lawfulnessse
of it.*

ANd first, wee must looke into the notion of Slavery; which signifies a subjection to command in all things; and that meerely for the Masters profit. This *all things* may either reach to the hindring him from those actions which are necessary to obtaine Beatitude; or onely to corporall services, with that moderation, that the Master hinders him not from such exercises

as concerne the procurement of future happinesse.

And clearly, it is against nature for any to submit his will so farre as to renounce eternall blisse. There cannot, then, bee any Obedience due to such an extremity; and, by consequence, there cannot be any power of commanding such enormities in the compasse of nature. The like I conceive of a subjection to be killed or maimed causlessely and without desert, or even tormented; nay, or so penuriously abused as to have no content in life; but perpetually to suffer sicknesse, hunger, cold, or any other notably afflictive condition, so that his life is rather a punishment then a content to him. For since life is our being, and since being is the thing most deeply recommended to us by nature; it is evidently against the inclination of nature, to consent to the losse either of
life

life or of the profit of life, which is, either to be well in this world or in the next : therefore it cannot be conformable to nature to renounce either ; especially, the Quiet in this world being the meanes to gaine blisse in the other.

Neither doth it scare me to cast my eyes upon so many holy men and women, as have put themselves, voluntarily, upon penurious and painfull lives. For, I can easily answer, that they had not displeasing lives ; enjoying the fruit of contemplation, and the sweetnesse of Conscience in expecting a great reward for what they did : So that, they onely refused the pleasures of this world, to gaine those of the next, which is very rationall. But, for a man to renounce the content of this world, who either thinke not of another, or, at least, hopeth nothing out of his renunciation : this must

of necessity be extremely irrationall and against Nature ; whose universall aimes are, to be well, either in the next or this present life. But if there be no such subjection naturall, there can as little be any power of command gotten either by promise and submission of the subject, or violence of the Commander ; who may perforce do what he list, but can never make it conformable to nature, to use an other with such inhumane severity.

There followes yet another kinde of Slavery ; which consisteth in being bound to do what his Master commandeth, while his Master affordeth him a convenient livelihood ; and being subject to due punishment, without farther appeal, when he deserveth it. And this hath no apparent opposition to Nature ; why, in circumstances, a man may not binde himselfe to it, and be obliged

liged to maintaine and make good his word to his dying day. And, of such a kind of Slavery, we may question, Whether nature alloweth a whole people to be involved in it, or it be a thing that onely can happen accidentally in nature.

And *Aristotle* is the first man whom wee are engaged to offend in this matter; who sayes or seemes to say, That some Nations are naturally Masters and Commanders, others, Slaves and Subjects: To which conceit *Virgil* seemes also to incline;

*Tu regere imperio populos Romane
memento &c.*

Hæ tibi erunt artes————

As if it were proper to that Countrey to command. Neither doe I thinke *Aristotle's* meaning was any more, then that there was a greater fitnesse

in some Nations to command, then in others: for, himselfe teacheth, the Barbarous prisoners, whose education had been noble, should not be put to servile offices. So that, it was but a little selfe-pleasing in these two great Authours, and affection towards their Countries, which made them fall into this extremity, of thinking it fit that other nations should submit to theirs: Whereas, had they lived in our dayes, long experience would have taught them that, in every nation, there are men fit to Govern, if Education and Discipline be not wanting; And againe, any nation may prove a Slave, even through too much wit, if they have not goodnesse to temper it. But we must not be angry, even with great ones, if they flatter a little their Countrey: but take warning it be not our owne case, either for our Countrey, or, which is more absurd, for our selves. Lea-

Leaving then this question, Whether any nation be, by nature, borne and deligned to slavery? let us see whether, within the Latitude of Nature, it consists that any nation can enslave it selfe in the sence propounded. I do not here intend to engage in that question; Whether one nation may oppresse another, and, by force of Garrisons and Armies, keepe them quiet in a Legitimate course of Government and Subjection? a question much different from ours, which is onely, Whether a whole Nation may voluntarily submit it selfe to a Government, by which it shall have nothing of its owne, nor be able to deserve or get any thing; but bee entirely at the disposition of the Magistrate it chuseth, without right or property?

That we may not walk too much in the dark, the holy Scripture holdeth

holdeth us out a Lanthorne, in the example of *Joseph*; who bought up the whole nation of *Aegypt* for *Pharaoh* their King, so that he rendered him not onely the Governour as before, but also absolute Lord and Master, and them his slaves; and this by their consent. Neverthelesse, I am not able to understand reason in it. To put therefore the case clearly, the meaning is; Whether a whole nation can ty it selfe so by any promise to one Magistrate, as afterward to be bound, they and their Children, in force of their words, not to have or dispose of their Labours and goods of fortune but at the pleasure of the Magistrate; and that he hath power, arbitrarily and without any farther reason then his owne will, to give what one man possesseth to another, and make any one worke and obey another, meerly because such is his pleasure.

That

That which induceth me to declare for the Negative is the Nature of man ; whole first and maine operation, is judgement and choice ; and the matter of this is his outward action : So that, who universally renounceth his judgement in externe action, truely renounceth nature it selfe, in renouncing the end and action for which it was made. Now, that a single man may be forced to this, I make no difficulty : For, if force can take away a single mans life, much more may it take away his outward action. But, when I speake of a Nation, me thinks I speake of Nature it selfe : For, I understand a Nation to signifie a thing in nothing different from humane Nature, except in greatnesse ; as a bit of bread from a loafe or a paile of water from the pond out of which it was taken ; and so, Reason cannot teach us to do that to

a nation, which ought not bee done to all humane kinde. Now, who abhorres not to thinke that the use of judgement and will should bee banished out of Mankinde? Were not that quite to unman us and be-
beast our whole nature? On the other side, it being the property of reason to use every thing it know-
eth, according as it is fitting to the respective nature of the thing; and nothing being more fitting for man in common and every one in particular, then to judge and go-
verne in his little sphere of activi-
ty; reason can never demand or approve of the contrary to be pra-
ctised universally; as is implied in this Position, that it may be done to a whole nation.

I looke not into the inconveni-
ence of such proceeding: How base
and unworthy it renders the sub-
jects; how unfit for the service of
the

the Magistrate; how ready to accept of any occasion to better themselves; and the like; which are sufficient to dehort any wise Governour from attempting or desiring it: Because my Theame is onely upon the contracting an obligation of obedience, out of the force of their promise; and extends no further. And, I suppose, the shewing that such a promise invalidateth the principle upon which a promise grounds its constancy, is enough, to shew that no promise so made can be constant and firme; since a man stands to his word, because he is a man and hath a principle of judgement or choice upon judgement, by which and according to which he is and ought to be governed: Now then, such a promise being a renouncing and bereaving him of this his manlinesse; it cannot assuredly be maintained by manlinesse which

is the onely or chiefe strength of a promise.

But, what must we reply to *Joseph*? what to many thousands of eminent Christians, who seeme to professe and observe, in vertue of a vow, this very kinde of subjection? As for *Joseph*, he justifies himselfe, in renouncing the Vassalage of his People for one fifth part of their lands and fruits. 1. And, not to make an estimate, how proportionable the fifth of a Kingdome is to the furnishing of necessaries for governing; so much at least is plain that, by his remission of foure parts absolutely, that is, for ever, he did not execute what he pretended by the bargaine; but, by the formality of acquiring all, he obtained what he aimed at, That the People should willingly contribute the fifth part of their Labour and goods generally, and, in case of necessity, willingly

willingly obey their Governour.

As for the speciall obedience vowed by some Christians of exemplary life, it is professedly only, concerning spirituall instruction or exercise, even then when it is applyed to the Knights champions of Christendome: And this is expressed by the greatest Divine the Schoole ever had, in his 22th. *Qu.* 104. *Art. 5. ad tertium.* So that, neither of these objections prejudice the conclusion we have settled; However the outward undiscerned shew may make an appearance to the contrary.

Out of this conclusion it is easily seene, that the Turkish, Molcoviticall, Tartarian and other whatsoever Governements, settled upon this principle, that the Goods and Lives of the Subjects are the Princes, not to defend (as our Lawes go) but to dispose of at will, without con-

contradiction or limitation, more then of his pleasure; neither do nor can ever breed any obligation of Obedience in the Subject, farther then out of feare or present utility.

It is not amisse to adde this consideration, that those Tyrannicall Governours exact of their Subjects no lesse then to forgoe all that is deare in this world, at their pleasures, life and meanes, wife and children, and whatsoever hath made impression upon them: So that, truely, there is no protection or security from them; and if they rob you not, it is because they have no occasion, not because they conceive any unworthinesse in it. Whence, no good nor profit doth, regularly and according to the intention of the pact and agreement, result to the particular; but all is the high Masters, and the Subjects portion is onely to share

share those scraps he shall cast down to him, as to a Dog, to make him fit to hunt for his master.

The tenth GROUND.

Why a man is to hazard himselfe for the common good.

IT is true, this debt in the subject, of hazarding life and limbs and all that is estimable in this world, is exacted, as well in just and legitimate Governments as in those hideous Tyrannies ; But, there is a recompence for it, and the good of the whole reflecteth on the part ; and if one lose his life, his children and relations at last feeble the sweetness of it ; and this makes men hazard with courage, and die with comfort. And cleerly, were there not this obligation, no Commonwealth could stand. What City could be defended, if the Citizens would not venture their lives upon

upon the walls? What Army could bee managed, if the Souldier would never be brought into the danger of death, or would fly as soon as the bullets began to play about his ears? all wrongs must be suffered at their hands who would expose their own lives to hurt others; and no justice maintained, or innocency defended. Nature therefore makes it most cleer that such an obligation is unavoidable; and the daily necessity of it beateth it out so flat and plaine, that wee can no way escape so manifest an evidence.

But if it bee by the direction of nature, certainly it is also rationally, and hath some principles of its truth and reasonableness. Now, in Morality the reason of all action is the good obtaineable by it; which if lesse or not greater then what wee hazard and, peradventure, lose in the attempt, it is no good nor can
bee

bee a rationall motive of such an action. We ought therefore to seeke out this great good.

Aristotle proceeds as cunningly in this businesse as became so wile a Master; and, according to his fashion, where his skill reached not to explicate the particulars, remained in common termes: telling us, that *Bonum commune divinius est quàm particulare*: But, in what this Divinity consists, hee no where exprefes. Truly, if there were a *Platonick Idea* of the particular's goods, which might bee termed the common good, I could understand that there were a Divinity in it; but himfelfe hath extinguished that flash of *Plato's*, beyond reviving. I understand alfo, that the notion of *common*, compared to the notion of *individuall*, hath a kinde of excellency by its universality, which rendreth it very august and lustrous,
and

and of a higher degree then the particular. I know again the perpetuity a Common-wealth pretendeth to, compared to the mortality of a single person, vesteth it selfe with a kinde of infinity, which giveth it a glorious appearance. Nay, when I see the same man work for a Common-wealth, in a free way of doing it good; and againe, for a private friend: I see a vast distance between his pretended ends; and an eminent generosity in one over the other: Whence, I believe, it cometh that *Heroës* and heroicall vertues are chiefly taken in respect of doing good to whole Countreys or Cities. But when, on the other side, I see the same great Master teach us, that Good is the same with Desireable; and every ones good, what is desireable to him; I finde it is an intricate labyrinth of equivocation wherein wee endlessely erre, while
wee

wee think that Good taken in common, should bee accounted Good, truly and properly. As, who would bee so wilde as to bend any strong labour here in *England* to profit the King of *Persia* or *Siam*, if hee expected no good to reflect on himselfe by it? Much lesse would any account it good to bee robbed or maimed, because it was good to another who possessed his money or was afraid of him: and yet it wee stick upon the common Notion of good, without determining to whom it is good, both these must bee esteemed not onely goods but great ones; for, so they are to some body, though nothing or harme to the esteemer. Then, to cry, *The Common good*, is a meere deceit and flattery of words; unlesse wee can shew that the common good is as great to us as wee make it sound.

Neither can the authority of
learned

learned Nations and the many endeavours of worthy men periwade us the contrary. For these Nations generally were of Popular governments, where plainly the common good was the good of them who were to reward the causes of it : so that, it was no wonder the Common good should be so highly exalted and cryed up ; where it was the particular good, both to them to whom it was commended, as also the commanders themselves were to arrive to their own private pretences through that notion of the common good. The like is of all Princes and Governours ; who if they bee wise, conceive the common good in most circumstances, to bee compared to them as their own proper good.

It remaines therefore, to see what may bee the ground on which an understanding man ought to value so highly the common good ; and expose

pose his life and all that is deare to him, upon the score of the Publicke. Cleare it is, that hee who ventures his life, ventures all this world: For if hee dies, what reward remains there in this world? *Fame* is a slender recompence, when the fruit of it (which chiefly consists in being respected in company, and having a power amongst his associates) is once passed. The good of his wife and children; that may rejoyce a dying man; but if there rest nothing after death, it is a comfort which soon expires; being indeed nothing but a flash. It is then past dispute, that for him, who expects nothing in the next world, there can bee no rationall motive of voluntarily endangering his life for the common cause; if himselfe bee not particularly interested in it.

I know Philosophers reply, that there is no harme in death, nor pain

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after

after it, and wee are but as if wee never had been; so they dispute to take away the feare of death. But first, I would ask them, why, even in such a case, the fear of death should be taken away? What signifieth this to a sound Philosopher, to take away the love of his *Summum Bonum*? of the end for which hee is to doe all his actions? Again if hee must embrace death, upon what motive must he make his onset? shall hee propose to himselfe none? or a lesse good then hee loses? or entertaine frantick apprehensions of glory after hee is nothing? These are not answers for Philosophers and considerate persons; but for some hare-brained fool-hardy flashes or doating Oratours, who, with a multitude of fine words, can plausibly dresse up contradictions and nonsense.

This therefore remains certain,
that

that there is no good to bee expected here equivalent to the hazard of death; and consequently, none can bee rationally valiant, who lets not his hopes upon the next world: And as, before, wee made it apparent, that hee who was not constant to his Religion, could have no rooted Honour or Honesty in him; so, now it is likewise evident, hee cannot rationally bee either valiant himselfe or trusted by others in danger, farther then hee is a foole. Since then, on the contrary side, the nature of Commonwealths makes it beyond dispute that hazarding is necessary; it is both evident there is another life to bee expected, and that it imports good Government to plant deeply in the breast of the subjects a rational apprehension of it. The cause therefore, and solid reason why men ought to bee valiant, is the hope of reward hereafter for doing good to

our neighbour here : and the Common-wealth beeing our neereſt and greateſt Neighbour, as including our Friends , Parents , Acquaintance , and all of Mankinde that our knowledge reacheth to ; to performe ſervice to It is, certainly, the greateſt act of charity towards our Neighbour ; that is the higheſt externe act which God hath granted to us, and, conſequently, to bee preferred before all others ; and, as ſuch, to expect a profit and recompence in the next life.

I know, it may be objected, that in beaſts alſo is to bee found a kinde of valour, even to the hazard of their lives for their Mates and little ones, and yet no reward of the next world can be pretended for them. But, wee are to reflect, that beaſts are not governed by any reaſon given them to governe themſelves by ; but like Clocks and other Engines,
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by the wit of their Makers : and therefore it ought not to bee expected they should bee addressed to that which is their individuall greatest good, as Man is by his Reason ; but onely to what is fittest for their Creators intention ; which being onely to continue them for the use of Man ; and this passion of audacity which wee see in them, being fit for that, wee are not to seeke a further reason for them to hazard their lives, nor to draw any consequence from them to Mankinde, whose propriety is to governe himselfe by the knowledge of his owne good, and not to bee forced out of that for the good of any other, so the notion of good bee rightly taken.

By this wee, in part, understand wherein consists the worth and excellency of a Magistrate and his Office: to wit, that all others ends being purely for the good of their private per-

sons or family ; the Magistrates aime is at the univenfall good of the whole eternall body of the Commonwealth, the extent of the perions, the long and farre-sighted care, and the abstraction from his private good, manifestly exalt this function, beyond comparifon, above that of private men and their intentions ; and placeth it, as it were, in an orb of honour proper to its dignity.

The cleventh G R O U N D.

*The Quality and Rationall power of
a Supreme Governour.*

THus is our supreme Magistrate or Governour mounted on his Throne of Justice and Soveraignty. Hee hath for his strength, that right the People have bestowed on him ;
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devesting themselves, by this submission, from interposing in Common affaires. He hath besides, the strength of the People; both their Wealth and Swords being delivered up to him; so that, if he bee wise, he can make himselfe and his Lawes obeyed. But chiefly he hath his owne Prudence and Goodnesse, which is supposed to be the choicest that could bee found in that people; and the Credit of it to be his strength and support.

For, if we looke into it; As we see that, in the naturall generation of Governement, the people truely intend to be governed by one whom they esteeme the Wisest and Best amongst them: so afterward, when they apprehend their Magistrate no *Solomon*, yet they still conceive he is the best they can obtaine or prudently aime at; That is, if they should attempt to change, it

would bring greater inconveniences then their continuance under this weaker Magistrate. So that, as it were, the Essence and Forme of his power to governe, is Wisdome and Goodnesse; at least, such a degree of both as is supposed and apprehended the greatest possible, according to the circumstances wherein they are. His End wee finde to bee The common good: and to that is he wholly and adequately bound, by his owne Goodnesse, by the peoples Intention, by his owne Acceptance, by the nature of the Charge it selfe, and by the very forme of his life and Profession: In so much that, he faileth from his Duty, from the expectation of his Subjects, and his owne Goodnesse, if he doth the least action for his private interest, or otherwise then out of his esteeme that it is for the greatest good
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of the Common-wealth.

And truely, if it bee duely considered, we may plainly see that his private interest is not distinguished from the publick. For, how can it be? First for Honour, 'tis plaine, the welfare of his Subjects is his highest honour; Their knowing they are well by him, and so their love to him, his strongest security; Their expressing still on all occasions content with his actions, and esteeme of his person, his greatest pleasure; and in fine, the more wealth they have, the greater Commander is he: so that really, this private interest (if he be indeed a good Governour) is the true felicity of his People. I doe not, by this, intend to cut off from Supream Magistrates that promise and magnificence wee see usually in persons of that quality: But, whereas it may be practised either for pride and vanity, that

is, to procure an esteem of the private merit of the Magistrate, or else, to facilitate the government by the awe and reverence it printeth in the Subject; I expect the supream Magistrate to be so discreet, as to understand the former is meerly a shadow or faint and fading colour, the other a reall profit and necessary instrument, and so to be embraced for the good of the people.

Neither must wee leave our Magistrate here, but transplant our discourse into a new consideration. For, if he hath gotten a Commission, he hath not, by that, lost the quality of a rationally, wise, and good man; but joined to that a new obligation of being new fixt upon the Common good, as the effect and scope of the actions of his whole life: Inasmuch that, to determine the quality of his action, we must
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make one complexe of the whole person; and aske, What a wise and noble minde, haveing such limitations upon him, by word or oath engaged in his installment, may or ought to do concerning the limitations?

And first, it is undoubted on both sides, that neither may he, without great cause, make a breach in those hedges his way is fenced with; nor, if he make some small and inconsiderable breaches, that hee violates therefore his oath. For, the nature of humane action is such, as not to consist in an indivisible; but, of it selfe, to have a morall Latitude: our understandings not being able to reach to such small and petty differences as nature maketh and our operations containe, as far as they depend from nature.

But, the Question cometh, When some great fault discovers it selfe in
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the limitations, and the end of Government is prejudiced by such a defect; and neverthelesse it is no doubt but 'tis the intention of the people or the Trustees of the people to binde their Magistrate to such conditions; Whether, in such a case, he be bound to his orders and oath, or whether the duty of a wise and good man doth enfranchise him to doe what is truely best for the people, though it be against their wills?

The question seemeth hard: and therefore it is not amisse to note, that *truely best* signifieth that it be not onely best, if it had been fore-ordered or if it were in practise; but that it be best to be brought into practise; and that, notwithstanding all dammages and dangers which are to be incurred in the settling of it; Otherwise, it is clear, he ought to stand to his oath. Another caution is,

is, that the Magistrate doe not onely *think* it so *best*, but know it by certainty and science; otherwise, hee proceedeth not wisely, to hazard a disturbance of the Common-wealth upon slight and weak appearances.

These two suppositions premised, wee are to consider what it is that engageth the Magistrate on both sides. And, for his promise, it is above declared, that hee is engaged to it by the connaturality and beauty of Truth in Mans nature: Now not Truth onely is conformable to mans nature, but also that Noblenesse and Goodnesse that bindeth man to man; which in its highest pitch, that is, as it looketh upon a Common-wealth or a little Mankinde, is the beauty and vertue of a Governour.

Againe, I see a Governour hath in himselfe, as it were, two Truths, or degrees of truth belonging to his person: One, which is the publicke
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Honesty, either considered betwixt him and his subject or some aliens ; and this forfeited maketh his publick credit weak and unfit for the use of Government : the other is but a splendour reflecting on his own person, by which hee appeareth in the face of honour and a man of his word. For this latter it is very evident, the affection to the publicke ought to overway it ; becaule being but a private good it should doe homage to thole vertues which carry a man to the common interest. For the former, the damage ensuing is to bee esteemed and poised against the profit or necessity of the Common-wealth : For, if it bee evident, that the good of the change openly and vastly exceeds the damage proceeding from the discredit ; cleerly hee is bound to admit of the discredit, to purchase the advantage accruing by the change : But, where
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there is none or little difference, there the ballance hangs upon quietnesse side, and change is not to bee ventured on.

This seemeth so plainly and evidently concluded, that a rationall man cannot resist it. But, to those who are used to maintaine their credit by custome more then by reason, it is a *bolus* of hard digestion, to tell them they must break their word for the common good: and seemeth to bee of the same nature, with that famous definition of an *Ambassadour*, witty in *England*, harsh in other Nations, that Hee is sent *ad peregrè mentiendum pro patria*, which where the equivocation of *lying abroad* is not understood, is, in verity, a scandall to Statelines, whose negotiation hangs so tenderly on their credit, that, it once being broken, they have lost a principall instrument to penetrate the

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the hearts on which they are to work.

Therefore, let us see whether the high Magistrate (in proceeding as we have declared) does truly force the rampart of veracity so necessary for a Government. Let us first begin with his promise, and consider what it is. Hee is entrusted to doe for the common good : and the reason why hee is entrusted is, because the entrusters conceive themselves either through their incapacity or attendance to other employments, ignorant of what is truly the common good. They entrust him, therefore, with more then they understand ; and so his power is to proceed, according to his understanding, though it crosse theirs : Hee then of necessity, must bee falle to his Oath, if hee doe not, according to his trust, act for the common good what hee evidently sees in a high degree to import

port it. Further, because wee know, in morall busineses, the end aimed at, is more principall then the means ordered to it, and hath such a command over them that they are to bee or not to bee, according as is fitting for the end: And in the Oath or Promise of our high Magistrate, if hee observe his limitations, he destroyeth the end for which they were put: Hee offends against both his Oath and Fidelity to his people, if hee maintain such limitations, when hee is obliged, for the publick good, that is, when hee ought to break them.

Yes, but (replieth the man who thinketh himselfe wedded to an outward and seeming honesty in this cause) howsoever, at least hee breaketh that part of his Oath, in which hee swore directly, to those limitations. Let us therefore see even that point, and ask, what was the peoples will in exacting

exacting his Oath or Promise ? Doeth any one will what hee understandeth and knoweth not ? If one should say to another, I give thee what is in that trunk ; in which himselfe had put a suit of apparell, and, without his knowledge, his servant had taken that out and put in bags of gold to the same bulk ; would any Divine, or Chancery Judge, or prudent person assert he were bound to bestow on that promissary all his gold, which was in the trunk ? I thinke not ; and the reason is, because it is the will and understanding which hath the power to give strength to a promise or contract ; and here the will is wanting ; for hee knew not what he said, nor intended to give any thing but a suit of clothes.

How many promises doe Divines and Lawyers pronounce null, though they were good and valid when

when they were made, by reason of the change of accidents following, which could not be foreseene? If one promise his Daughter in marriage to his neighbour, and shee dyeth; is he bound to fulfill his engagement, or seeke his neighbour another wife? Nay, if the neighbour be discovered not to be the man he was taken for; not to have a competent estate and such like conditions; he may justifie the disperformance of his promise; nor shall he forfeit his credit if he doeth not keepe his word, but rather, if he do, be accounted a weak man.

Now, to come to our purpose, let it bee supposed the people were made understand, when they exact the promise from their Magistrate, that such limitations would destroy their peace, and contentment: doth any one think they would binde their Governour to maintaine them?

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If they would not, tis evident, howsoever their mouths pronounced the words, their hearts were ignorant and inculpable of such an exaction; for they knew not what they did, they understood not nor meant what they spake.

But suppose that truely they knew the incommodities that were to follow, and yet they would have them observed: For, this happeneth often in this our subject, that some (especially great men, and sometimes the populace) understand the inconvenience of a Law, and yet for private interest will have it maintained: What then is the duty of the supream Magistrate, who is sworn to maintaine the said Lawes? The question is clearly answered by the condemnation of *Jephthe*; who, when he had rashly vowed to sacrifice the first thing that met him from home, did impiously murder his

his daughter. All understanding men know, a wicked oath is not to be observed. He that should give a mad man a word, because he had vowed or sworn it, deserved to be hanged for the murders by him committed: Now, an ignorant and wilful man, what is he but a mad man? Or what is madnesse but a wilfulnesse in doing evill? If the action be naught and such as the exactor cannot, with reason, desire, he cannot by any oath bind a swea-
rer to it: Now to observe conditions which shall ruine the Government and destroy the end for which they were instituted, is an action contrary to all reason, and to which the promissary cannot binde the promiser, in any wisdom and goodnesse: He is therefore bound, rather to the destroying then fulfilling such conditions; neither is he therefore perjured, but were rather

ther unjust and wicked, if he observed them. This so resolved, it appeareth plainly, that no supream Magistrate can bee bound to any Lawes contrary to good Government; farther then either the danger of changing them, or the not cleerly seeing them to be such, may hold his hand.

The Twelfth GROUND.

Who is such a Governour, and the Subjects duty towards him.

WEE have long talked of a Supream Governour; it is time we should point him out, that he may bee knowne. And, since all agree that there are three sorts of Governement, Monarchy, Aristocracy, and Democracy; when
they

they are simple, there can be no doubt who is the supream magistrate. Now, mingled they may be, all together, or some two of them: And againe, their mixing may be either continually, as when all parts mixed are so often engaged that their Authorities run jointly, or else some are continuall, others but at certaine termes.

If Monarchy be mixed, either with Aristocracy or Democracy, so that they be continually joint actors; the Monarch is but a Servant, and the other part the Master: as is to be seen in the *Italian Doges*, and the *Lacedemonian Kings*; for his force is nothing, compared to his confort.

If Democracy and Aristocracy be so mixed, the quarrell is more ballanced; and because it is a Government divided in it selfe, and therefore dangerous; no doubt but,
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if the Aristocracy get power enough, she is in the posture of supream Authority. The example of this wee have in the *Roman Common-wealth*, in the time, specially, of *Sylla's* conquest; when, if he had settled the State in the Senate, there had been no feare of *Cæsar* and *Pompeyes* mangling that *Common-wealth*, as afterwards fell out.

Monarchy and Democracy can hardly be so mixed, that Democracy be perpetuall, and Monarchy by spurts: For that is not Monarchy; the said Monarch being not long enough in power to be accounted a settled Magistrate; as wee see in the *Decemvirs*, *Tribunes* and *Dictators* amongst the Romans: So that, the Monarch hath not the power in his hand to change any thing, which is the case we aime at. And the like is of Aristocracy; when its employment is the ordinary and continuall

tinuall, and Monarchy onely by turnes and seasons.

There remaineth onely Monarchy in continuance, compared to Aristocracy and Democracy at certaine turnes. And in *both*, it is cleare, the Monarch is the supreame Governour in ordinary; and so the Magistrate of whom we speake, who may alter the inconveniences, if occasion serve. As for the People, they are but a weake part, if the Governour be wise: So that he is, by this posture, in the state of doing that good to the Commonwealth which his judgement and conscience dictate to him to be necessary. The comparifon to Aristocracy is much harder; every one of the Aristocracy being, generally and regularly speaking, a petty Monarch; and the whole of them easily assembled; and, when so, having the power in their hands: So that the

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Monarch

Monarch is not (by vertue of his ordinary condition) in a posture to bee able to rectifie what he seeth necessary to be altered ; therefore he is not the man wee call the supream Magistrate, but the assembly of the Nobility, whereof he is but an eminent and considerable one.

The Subject, being correlative to the Magistrate, requireth upon that title, to be reflected on ; but much more because the nature of the Magistrate cannot be well understood, unlesse the duty of the Subject bee joyntly declared. We must therefore declare, or seeke out at least, what Honour and Conscience obligeth the Subject to : and, to performe this, wee must reflect upon his motive of Obedience ; which, as is before insinuated, was grounded on the love and necessity of living in Community, that, from it, he may receive good, and, by its

its protection, secure himselfe against evill. To this end he entrusteth the charge of the common administration to the Magistrate; taking himselfe as one unskilfull or unable for such employment. Wee see therefore, the end of the Subject in his obedience, immediately, is the publick good or the good of the Commonwealth: a farther though more cordiall and deep in the subject, is the good he is to receive out of the Commonwealth being well; which is nothing else but that the particulars of the Commonwealth be so. Evident then it is, that the immediate motive which the Subject is to propole before his eyes, in his obedience, is the good of the Commonwealth; that is, the very same motive the Magistrate ought to have in administring, and which hee had when first, in his owne person or in his forefathers, he submitted him

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himselfe to this rule.

Wee know, by consequence, how excellent a virtue this act of Obedience is; having a motive of so great a price and high elevation above other ordinary employments, which reach no farther then to his private good. But, herein the same vertue is lesse in the Subject then in the Commander; that, because the common good is the very private good of the Commander, therefore it is not related to any private good of the same nature; and so not commanded or limited by any other, as in the subject it is by the end of his idioticall good.

The next thing that occurreth is the Subjects fact by making this trust; and that is, that he hath made away all power of judgeing and caring for the common good, farther then by the eyes and hands of the Magistrate, his Trustee, otherwise

wife they have not made him Supreme Governour: So that, if he thinketh or judgeth any thing to goe amisse, or interpolate his opinion, in any reall and effective way, even so farre as to disgust himselfe or any other against the Government; he breaketh his promise and engagement to his Governour: Much lesse is it in his power to recall the trust and seeke any way to take it out of the hands of his Soveraigne. As for his oath of Allegiance, I believe every man sees, it takes its strength from these two; and, by consequence, is to be understood to reach whither they carry it, and strengthen the obligation that they ground: but, not to extend it selfe to what they doe not; onely what they begin and, as it were, make, the oath doth, by Religion and reverence to God, en holy and consecrate, and so give it the greatest strength that

falleth upon humane Liberty.

By this discourse, we learn, that the Magistrates security, from honesty and conscience, is the greatest that humane nature can frame; being grounded upon the noblest vertue, fortified by the vertue of veracity so naturall and principall as is above signified; the subject having made as great an alienation of his propriety to Governement as will can ratifie; and lastly, elevated it above his owne soule by the invocation of him who is master both of soule and body, of time and eternity. Whence, nothing but the frailty of humane condition can prejudice a Governour once estated legitimately in his seat of Justice; nothing can make a Subject more delinquent, then to work against this duty of obedience; no wonder, therefore, if Rebellion be communerated with Soothfaying and Idolatry, and

and Obedience preferred before sacrifice, even in the sight of God.

The thirteenth G R O U N D.

*Of the Qualities of Lawes and
Commands, in respect to
Obedience.*

OUt of what hath been said concerning the Subject's Obligation to Obedience, wee may understand a distinction made by many, of the validity and lawfulness of commands. For, the lawfulness to a Sovereaign Commander, is no other then that hee truly thinketh it to bee for the good of the common ; that is, for the greatest good, all things considered : which if hee doth, it is, by the former discourse, lawfull for him to command, what he pleases, without

reproach of conscience or honour to him; and on the other side, if hee swerve never so little, hee so farre breaketh his trust: and the greater the abuse is, the greater also his fault and shame. But, the subject is to remember that hee hath put his confidence in his Governour; as beeing himselfe ignorant and not having leasure to look into the depth of the policy: and therefore hee is to think and judge well of his Magistrates counsells, and make account hee doeth not understand the bottome of them; and so bee prompt and forward to obey.

The validity of the command consists in the obligation the subject hath to performe it: And this may faile in two degrees; One to the not fulfilling the command, by avoiding it; the other, by resisting it. This latter is no waies in the Subjects hands, unless it be in such a case as
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his oath of Allegiance and Obligation to the good of the Community, cease or bind not: The former can never happen as long as it can be presumed to be the Commanders will this Subject, in these circumstances, should perform this command; For, so long, his trust obligeth him not to faile. But, because a Governour many times is not rightly informed, nor can a Law reach home to all particular accidents; it is very incident that; in some speciall cases, the Subject may presume it is not the Magistrates will he should be bound to this particular service. And this is so ordinary that, amongst us, there is a particular and highest Court, to declare when wee are not bound to the written lawes.

Yet is it necessary to believe, that even that Court is able to satisfie all cases, or that private men are bound not to avoid a law without having

recourse to that Court, or to obey all decrees of that Court if they can prudently avoid it : because no Court (especially amongst refined pleaders) can bee without many formalities ; which are not the substance of Justice, and therefore may prudently bee declined, neither honour nor conscience obliging to such proceedings. But they must ever have for their rule, that the Lawmaker intended not to include them, in these circumstances, within the compasse of his Law.

Some make us a threefold division of Lawes ; the first absolute or commanding ; the second permissive ; the third they call penall Lawes : The first they averre to bee obligatory, because directly intended by the Law-giver ; and of this sort is verified what wee have newly discoursed.

The second (were it expressely
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the sence of the Law to permit a thing) is also of the former kinde and onely distinguished in the matter: For it would make the thing permitted truly lawfull. But this is not the Writers meaning: For they doe not conceive it was the Law-makers intention to allow of the practice; but onely not to punish it, or to ordaine somewhat in supposition of the case. As when usury is limited to such a rate, that greater is forbidden; but to such a rate is so permitted, that he that hath borrowed is bound and compellable to pay so many in the hundred; but no man is bound to borrow; nor as they say, *allowed* to take Interest, though the Law constrain the borrower to pay. But, how the Law can force the one to give, and yet not allow the other to take, is to mee, a hard proposition and like a riddle; and therefore, I believe,
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the law it selfe is to bee condemned or the practice to bee justified ; and that truly there neither is nor can bee such a kinde of Law, as shall compell a thing to bee done and not approve of the doing.

The third sort also seemeth to mee no lesse contradictory : for though I confesse there are penall Lawes unquestionably, that is, such as constitute punishments for offences ; yet these Masters meane not such, but under the cloake of the name, teach disobedience to certaine Lawes, perswading us the Law-givers intention is indefinite, that either a man should doe such a thing, or suffer such a punishment if hee bee discovered to have committed the fault : which is directly against all goodnesse. For first wee are to consider whether the thing commanded bee usefull to the Common-wealth ; if so, it cleerly argues it is the direct will

will of the Lawmaker. Againe, it is to be looked into, if it be universally neglected, what damage accreweth to the Common; and this also will assure us, by the necessity of it, that it is intended for the common good, and therefore to be executed to the possibility of the Subject. Againe, how unworthy a thing is it of a Governour, who is supposed to be all equity and goodness, to ly at the catch with his Subjects, to entrap them for a thing he doth not aime to have done? Besides, the name of punishment supposeth a fault; so that, the law must be supposed to speake improperly; which, in its dogmaticall way of proceeding, is absurd.

Yet doe I not deny but Lawes may bee made indefinitely; as, to command every Townesman to march or pay so much monies, leaving

ving it to his Liberty to do which hee listeth: But this is no penall Law, nor hath it any likelihood of one; but is meerly a disjunctive Command. Neither likewise do I entrench upon such orders in Communities, which being almost impossible to bee rigorously observed, have some other obligation annexed to the failing; to be performed by the conscience of the Delinquent, whether discovered or no. For, this clearely remaineth voluntary, and is ordered to make the failing rare, and to acknowledge a defect and fault in the not observing; and so hath not that crossing of the will, and that force which one feeleth when he is discovered and, by authority, chastised. So that, in conclusion, there is but one sort of Law in all these; and that binding the Subject, in force of his promise and oath, to the proportion of
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his concurrence to the Common good, by his act of Obedience.

The Fourteenth GROUND.

In what conditions the Subject may resist Governement.

NOW, to returne to the former part; it is evident, if it be rationally to resist the Governement, it will be lawfull also to break and remove it: For, these two actions are of the same nature; and, in truth, pure resistance and disobedience is the annulling it. For, Governement, consisting in the power of commanding, that is, of having no resistance; to resist is not to acknowledge it, but maintaine there is no such power, at least, in this case;

case ; that is , to take it away in this case ; that is , to let another Judge or knower when obedience is due and when not ; that is , not to keepe the Subject in the nature of ignorance , in which is grounded his being a Subject. This being the nature of this disobedience or resisting, the Magistrate is bound with all his strength to crush and breake it ; and, by consequence, it draweth along the concussion of the whole state, if the Subject bee able to make good his resistance. Out of this it is cleare, that a Subject may not use this resistance ; but in case when it is fitting to attempt the dissolving of the Governement.

It followes first, that it cannot be done, but when the occasion is greater then the value of the publick peace and good of the Commonwealth. No man therefore can justly attempt such a disobedience, to
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save his owne life and goods, or the life and goods of his owne family, how great soever, if contained within the bounds of a private family, or but a part of the Common-wealth. Now, how farre this extendeth, I dare not subtilize ; it being a kinde of morall consideration and a prудentiall esteeme to weigh it in particular ; the common notion reaching no farther, then that it be not so notorious a part of the Common-wealth, that it bee a homogeneall part of it, such as is fit to make a Common-wealth of it selfe, to determine whose nature, is not the intent of our present embarquement.

The next consideration is, that neither an universall harme, if moderate and such as may bee supported with lesse dammage then followes out of the State, is a sufficient cause of resistance to the Soveraigne Magistrates

Magistrates command. As for example, an enormous Taxe (such as was thought to be that which revolted *Guienne* from *Edward* the third of *England*, or the *Low Countries* from *Philip* the second of *Spain* :) as both their wars may well testifie; in which the taking of any one Towne was of more consequence then all such a Taxe would have been. How farre this also reaches is not for mee to esteeme; Who should aske me, if the Governour exacted for one time all the Subject had, so there remained a ground to worke upon of new, and within a little time to live contentedly; I should be troubled to confesse it were a sufficient injury to take up armes against him, because I cannot judge which were the greater mischief to the Subject.

Thirdly, if the wrong be of that nature as to ruine the whole Commonwealth, yet not suddenly but
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after many yeers, if often repeated; I cannot allow it a sufficient cause of open resistance. The reason is cleere; for, on the one side there is no inconvenience so small but (in proceffe of time) may grow to bee the ruine of the Common-wealth, if it bee often repeated and so excessively multiplied; and on the other side, long time breeds so great changes or, at least, is subject to them, that the pure nature of the offence is not able to justifie a rebellion and breach of unity in a Common-wealth, and so, not the resistance to the Governour. How much the time in which the ruine would follow should bee, to make it a sufficient cause, who can judge? Onely this wee see, that what will not ruine in a set time, wil never doe it; and I have seen people live happily, where it was said, they paid the value of their whole subsistence

stance to their Magistrate once in seven yeers. Nor doe I pretend, by these instances, to set any rule for enfranchising the subject; more then this, When *evidently* the tyranny of the Governour is greater then the mischiefe hazarded. When ever this happeneth, bee the material conditions what they will, the subject is free: And if this bee not, whatsoever the circumstances bee, the subject ought not to stirre. For, this and this onely is the finall cause measuring all attempts, *What is best for the People*; and knowne it is that, if it bee not evident to bee better to stirre, it is evidently better to remaine quiet: for, not-a-cause is sufficient for not changing; but, for a change and such a change, it ought to bee *a cleer and evident abbetterment*.

There is further to be looked into what part of the Common-wealth it ought

ought to bee that is sufficient to justify such a quarrell. For, as there is no doubt, but the whole Commonwealth, that is, such a portion of it as makes the Governours party inconsiderable, is sufficient : so, there will bee lesse doubt on the other extreme, if the number resisting bee a pure single part, it is not sufficient to proceed to this extremity. The question then is, whether the party rising ought to bee the *major* or equall or, at least, inconsiderably lesse then those who side with the Magistrate. But here wee must observe the greatnesse of the Commonwealth divided. For if such parts bee of themselves, fit to make Commonwealths, nothing considered but the quantity or the number ; it cannot bee doubted but that will suffice : now what that quantity is, belongeth to another science.

Besides all these considerations,
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there remaineth another; that it can bee effected: For who is to attempt an action, ought as well to weigh the cost of compassing, as the worth and recompence when it is compassed: so that, unlesse the hazard of missing and the labour of obtaining, beeing both added into the ballance with the present quiet, bee all overfwayed; it cannot bee prudently done to engage for a change.

Some will tell mee, never did people expect with so much patience as I require: And your Gallants, who pretend to generosity, will exclaime, it is better to dye in the field then suffer such indignities: Nay, some will think or, at least, vaunt it fitter to lye in prison or rot in a dungeon, or seeke his fortune in *Barbary*, then to be under such a slavery. My answer to these last Gallants is, that they should first
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try what it is to rot in a Dungeon, or to wander amongst Barbarians ; before they engage themselves and other ignorant persons in such adventures. To the second, that I understand not those spurgalls of honour, which disquiet their fiery humours : I onely discourie of what is fitting to make a sweet and contented life, to them who thinke it consists in enjoying naturall goods of Science and Vertue for our mindes, and the accommodation of our senses for our bodies : Those high and aereall goods of honour, and vapouring words I esteeme as *Ajax* (when his eyes were open) at his death ; *Vertue* (said hee, meaning honour) *I followed thee as a thing, but I finde thou art but words.* To the formost, I answer, I doe not averre men either have been wise or will bee so wise ; onely endeavour to lay before them what it is to bee so

so; let them look to the exercise. Neither on the other side doe I justify the Prince who putteth his subject to such extremities, or think it prudence in him to doe it, or that he doeth not deserve all the mischief which may light upon him for it: I leave both to the force of nature, to their wit or folly, and to the force of reason or passion which governes in persons and present circumstances; keeping my self in the common notions which belong to Science.

Still there remaines one difficulty, which may breed great variety in the resolution; and it is, who is to bee Judge, Whether the neglect of the Magistrate bee so great, as to deserve resistance? For, if the Magistrate himselfe bee endowed with that power, it is a folly to thinke that circumstance will ever come; and, if it belong to the people,
will

such hot-spurres, as wee spake of, will make it come long before the season bee ripe for it. But, the truth is, this question seemeth in a manner superfluous: For it supposes, there is a question and ambiguity to bee decided; and by the conditions put, it is cleer there can bee no question of the necessity of the resistance; for they are such as to put the question beyond all ambiguity in the very conscience of the Magistrate, the objects beating on the subject in every ones particular beyond denyall and dispute. And besides, as long as truly there is any disputablenesse, the trust reposed in the Magistrate makes him Judge; For, beeing entrusted as a man both knowing and good, and the people taking themselves as ignorant in what they trust him; cleerly hee remains sole Judge, as long as there remains a case to be judged. And

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therefore his either ignorance, or carelesseſſe, or Tyranny ought to bee ſo evident, that it bee beyond all question; or elſe the ſubject muſt have patience for his owne good, which is his aime in putting himſelfe under government.

The Fifteenth GROUND.

Wherein conſiſts the power and liberty of the Subject.

YEt may ſome think, on the other ſide, that the doctrine delivered contradicts it ſelfe. For, it beeing before determined, that the people hath alienated all right of judging or meddling in government; how can it ever happen that they ſhould have a right to interpoſe againe, or that ſuch circumſtances can poſſibly
fall

fall out in which they may resist the Magistrate? And this objection is so much the stronger, by acknowledging so great a power in the Magistrate of breaking all Lawes and limitations of Government, by the force of reason placed in the circumstances of power and authority, as hath been declared : whence it seemes, since that authority in the Magistrate cannot consist with an opposite authority in the subject, to bridle and curb him ; they can never have this power to resist.

And the truth is, the people doeth not what it doeth in such a case, by any authority acquired, but by the force of nature ; that same force by which the Magistrate overwayes the Lawes, but in other circumstances. And first that the people hath no authority to oppose their superiour is manifest : For, authority is a thing instituted by consent and de-

pending on promise; but here is no need of consent nor any thought of it; here is no publicke meetings or *Lignes*; and if there were, they would bee of no value against a former tradition of their wills to their Magistrate: It cannot bee therefore, that the people proceed by any such contract.

Whence is it then that the people come to any such power? The answer is, As, when they first instituted Government, they did it in the force of Nature; without having any other Power then the pure force of Rationality: so, if, by any circumstance they be devolved into the same state of Anarchy that their promise made bindes no more; then Rationality teacheth them and giveth them, by force of nature, to intitute another Government. Now, the excessive disorders, expressed in the forementioned conditions, make it evident

evident they are not in a Government, that is, in a conspiracy to the common good, which is the offence of Gouvernement; but in an Anarchy, and therefore remitted, by the evill managing or insufficiency of their Governour, to the force of nature to provide for themselves, and not bound by any promise made to their Governour: the whole end and intention of their promise being, purely, to submit to Government, that is, conduce to the common good & safety; which having failed, there is no more obligation in their oath or promise, then if they had never made them. This is, therefore, the ground of the peoples opposition, and onely circumstance to justifie their breaking their oath and promise: so that, in truth, the Magistrate, first, by his miscarriages, abdicateth himself from being a Magistrate, and proveth a Brigand and robber in

stead of a Defender ; and the people, in the way of naturall preservation of themselves, make resistance against him.

I should passe farther to the change of Governement, did not the loud and universall cry of all common people, especially of our Northerne Countries, diverting my pen, force me to attend their importunity. They say, this Doctrine deliver'd ruineth their Liberty ; and people are but a knot of slaves and Galley-birds, if this be the course of Governement. They must be satisfied, or, at least, their courage allay'd, by reason, if it be possible. For this word *Liberty* prints it selfe in such a letter, that it leaves unstudied no man, as one speaketh. The *Pelagian* thinkes he hath lost his naturall liberty, if it may be commanded by Gods omnipotency. The worldly man accounts himselfe a
slave,

slave, if rationall government be conserved : he must have license to commit wickednesse and ruine Government, or else he is in chaines. Let us then repeat the nature of Government, and see wherein consisteth the Liberty of the Subject, that we may know when he hath it, and what belongeth to it.

The people (we said) to fall to their owne businesse, and the improving of nature, choote one or more to manage the common interests ; holding them wise and capable, and themselves unskilfull ; and this with a great deale of reason : for nothing but experience, and much debating is able to beget a sufficient art or knowledge, in such subtle points and turnings. Besides, they esteemed a few fitter for resolution, and easier to agree then their owne multitude ; where so many private aimes are hard to be avoided, and if not prejudiciall.

judiciall to the common. Upon these grounds, it is plaine, out of the very nature of Governement, that they reserve no power in themselves to consult of common businesse. For, how absurd is it that he who hath no skill shall give counsell, or sway the resolutions of those whose art and profession it is? Or, what wise man could undertake a Governement with truth and honour, if, in his greatest difficulties, he must depend on the advice, or rather wilfulness of an ignorant rabble?

Let us look now what is left for the obeying party; and we shall finde, it is to governe their private affaires, as farre forth as they fall not within the verge of the common good or harme. But, once put that the private mans business either hinders, or is necessary to help the common designs: and, as evident as it is that the common is to be preferred

ferred before the particular ; so evident it is, that even his proper businessse is not to be managed, so far, by his private understanding and liberty. If the Souldier, when he is commanded to stand *Perdue*, should have his private considerations allow'd him, what could the Army doe ? If the Citizen, being commanded to watch his turne upon the walls, might bring an excuse that he had no body to look to his shop, the City would soone fall to the enemies prey. Private interest, then, must yeeld; when the publick is concerned, or else no Governement can be hoped for : and, he that will leave matters of great consequence to the resolution of the govern'd party, must make them the Governours.

Wherein then consists the Liberty of every Subject ? In not being controll'd in his private affaires. If there be not justice administred both

against Robbers and Riotous oppressors, the Citizen is not free : if he be molested in his domestick manage, otherwise. Men when the common demandeth his assistance, he is not free. But, for serving the common, it is the freest act he hath : It was his choice to elect it, it is his good to conserve it, and will be his destruction to infringe it. As it is no liberty to have an immunity to hang or maim himselfe, or his wife and children, or to commit any other unnaturall act ; no more is it to be esteem'd Liberty, to have the privilege to substract himselfe from the service of the Common-wealth. They are therefore seditious spirits, who, using the name of Liberty, provoke the Subject against the Magistrate ; and in themselves, ordinarily, it is either ignorance or faction, which is the true Mistresse of such attempts. Nor can it be feared, that
Governe-

Gouvernement, carried connaturally and as it ought to be, doth any way prejudice the Liberty of the Subject, what seifures soever it makes either upon goods or persons.

Yes, but Governours will exceed the moderation of the true Lawes of Gouvernement. First, the Commonwealth hath a presumption of their goodnes to the contrary. Secondly, admit they doe, must we seek to remedy it by a greater wound which is, by taking away the life and soule of Gouvernement? Againe, the oppression is either in common upon all, or in particular upon some few: If in common, it is almost impossible to be heavy upon every one; for, many little summes easily rife to a great one, and many hands make light worke: If the wrong be done to particulars, wee ought to consider that accidentall harmes cannot be prevented neither
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in nature nor in humane affaires ; and so are objects of pity rather than of hope to be amended, and to be tolerated rather, in respect of the great good which is in the common peace, then expose all to such confusion as must be, and ever hath been where the Government is, in part, placed in unexperient hands.

This, therefore, is resolved, that the plenitude of power in the Governour hinders not the liberty of the Subject : which is to be contained within an inferiour sphere, and the sphere it selfe within the sphere of Government ; and to be carried by it, as the private good by the common, when the necessity of the publick requires. Likewise, the propriety of right of the Subject is to be taken, not against the Governour or common right, but against the encroaching of another party : as, whoever understands what common
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and particular signifie, easily understands that the common and particular are not two ; as the part and the whole make not two, because the part is included in the whole ; but part and part make two, because one hath no community with the other. Therefore, it stands not with reason, that any private person should claim a right against the Common-wealth, or the Governour, which is all one ; for, so he makes the Common-wealth a part distinguished from himselfe.

The Sixteenth G R O U N D.

Of the dispossession of a supreme former Governour, and of his right.

THis rubb being taken away, our march is free to consider the action of the change of Government ;

ment ; by what it is effected that the former Governour remaineth no longer in his authority, and the new one beginneth to have the power. For, we speake of a supreme Governour whose power is sworne to ; and so fortified, by an allegiance due from the people, and a right obtained by himselfe. And, we may presently reflect, that our former discourse, Of the Peoples resistance to a Sovereign Magistrate, reached not to the resolution of this. For, there we supposed the Magistrate to have behav'd himself so unworthily, that he was truly no Governour but a Tyrant and Robber ; and so had really depos'd himselfe, and disannull'd the Subjects oath and obligation by renouncing, in deeds and practice, the nature of a Governour. Now, our Question supposeth the Governour not to have come to that extremity : but, either to have been good or innocent :

nocent : or that it is doubtfull whether his excesses deserved expulsion : or, at least, if they did deserve it of themselves, yet the circumstances were not fitting for it ; but the expulsion happened either by the invasion of a stranger, or the ambition of a Subject, or some popular headlesse tumult ; for, these three wayes a Magistrate comes, forcibly and unjustly, to be outed of his power.

And first, if the Magistrate have truly deserved to be dispossessed ; or it be rationally doubted that he hath deserved it, and hee bee actually out of possession : In the former case, it is certaine, the subject hath no obligation to hazard for his restitution, but rather to hinder it : For, since it is the common good that both the Magistrate and the Subject are to aime at ; and clearly, out of what is expressed, it is the common harme, to admit againe of such a Magistrate ;
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every one, to his power, is bound to resist him. If you say, he may or will repent and amend, that importeth not our Question, or Whether he be to be restor'd? but, Whether he be to be chosen of new? For, since it was meerely his possession and the interest of not changing or troubling the Common-wealth which oblig'd the Subject to maintaine him; it being supposed his owne desert did condemne him, this change and trouble of the Common-wealth being now turned on the other side and another in possession, clearly neither he hath any right left, nor the Subject any obligation to maintaine but rather oppose him. Now, if his desert be doubtfull, then is it also doubtfull whether he hath right or no: and certaine, that the common good is not to be disturbed for it; Nature teaching that wee need no reason to be quiet and remaine where
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we are, but that to make a change we must see a strong cause and motive.

The next case is, if he be innocent and wrongfully depos'd, nay, let us adde, One who had governed well and deserved much of the Common-wealth: yet he is totally dispossest'd; and so, that, it is plaine, in these circumstances, it were better for the common good to stay as they are, then to venture the restoring him, because of the publicke hazard. It is cleare, in this case, there is a comparison betweene the generall good of the Common-wealth, on the one side, and the particular of this man or family on the other. Let us, then, put the case on his part; and see, If he be generous, if he hath settled in his heart that every single man ought to preferre the common Interest before his particular safety, profit, or honour; if
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hee bee fit for a Governour, that is, one that is to espouse the common good as his owne individuall; what he will, in honour and conscience, resolve: whether hee bee not obliged absolutely to renounce all right and claime to Government; and, if he does not, hee bee not worse then an Infidell: For, if he that hath no care of his Domesticks, be reputed so; with how much more reason, he that is ready to plunge a whole Nation in blood, for his owne Interest?

Let us cast the accompts on the other side; and see, that the Subjects aime ought to be the publicke peace, and quiet enjoyment of their lives and interests: It will appeare that, if hee bee bound to renounce his claime, they cannot be oblig'd to maintaine it: and besides, that they are wilfully blinde, if, where the whole concernements of themselves,

selves, their wives and children lie at the stake, they will venture all for an aereall fancy, without regard to the *end* of Government, publicke peace; meerely for the *meanes*, this mans Government, without whom the end may be obtain'd. It cannot, therefore, be rationall on either side, for a dispossess'd Governour to be restor'd with hazard: unlesse it be certaine the succeeding Government be a pure Tyranny, and so the dispossess'd person necessary for the quiet and peace of the Commonwealth; and therefore, that both sides pretend the good of the Commonwealth, as well hee that is to be restor'd, as those who seek to restore him.

But some cry, he had right; he hath not deserv'd to lose it; Justice must be done whatever follows on it; happy they that are unfortunate
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in so good a Cause, they shall not lose their reward, however it fares with them now. Well for them, if this plea will serve them in the next world ; nor will I dispute whether the evidence of what I deliver be so great as that ignorance may not excuse them : That question belongs to the Tribunall of God only : I must say that, before men, who are clad with flesh, and whose hearts cannot be pierced by other mens guesses, the Law is, that not onely the intention bee good, but also the action be intelligent and prudent ; otherwise, we are subject to believe, that some vanity or secret hopes doe byais the actor and make his proceeding irrationall. I must also tell them, that this principle, *Fiat Justitia & ruat cælum*, is seldome practised amongst the wise ; who all agree that Charity and
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Prudence ought still to moderate the rigour of Justice. It is also too metaphysicall for a morall way, to thinke that Justice is a *Platonick Idea* in the concave of the Moone; no waies to be changed by circumstantiall occurrences: Whereas, the truth is, Justice is but a partiall and commanded vertue; and that which governes in man, is reason or his owne nature and inclination to make all his actions connaturall and fit for a rationall Creature; and so may consult whether Justice be in some to bee administred, and pronounce that *Summum jus est summa injuria*.

But, the capitall in this matter is, that truely there is no justice on either the Magistrates or Peoples side, to binde to the restoring him: both these depending on the promise made, and the force of the pro-

promise being none, since the ground of it is changed. For, the substance of the promise made to a Magistrate, is, To obey him as a Magistrate, that is, as farre as is fitting for the Common-wealth and peace; he being nothing but the instrument of the common good: Now, take away that fittest for the Common-wealth, and that which gave strength to the promise is gone, and the promise it selfe is no more a promise, nor can any obligation arise from it. Who knows not, that the promise of any man depends on his intention, his intention on his knowledge, his knowledge reacheth no farther then his consideration and present memory when he maketh the promise? So that, in nature, a promise reacheth onely to presupposed and thought on circumstances: and who, when he sweareth to a Magistrate, expecteth to see him

him dispossessed and turned off?

Nature annulleth promises: as, when we promise to come such a day, and either die or are imprisoned before. Morality annulleth them: as if we promise to run such a horse against another a month hence, and the horse in the meane time falleth lame; who will condemne the master for not venturing on such a race? Is not the man better then his word? If then the man himselfe bee lesse then the common good, which he must violate by keeping his word; can his word be greater? But a promise must many times bee kept even with losse of life? I deny it not: But, first, I must bee assured it is a promise; which before I have declared to bee none: For, our case is a case of Nature not of Law, we admit no presumptions; nothing what he meant to doe or should have done, wee onely regard
what

what was done. Secondly, if it were intended to be so promised, it was wicked and irrationall; for, to promise to regard a private mans good against the common, is unnaturall and wicked; therefore, it never was a promise, can never binde as such, nor be professed with honour, either to be made, or, if made, to bee kept. I need not insist upon the confirmation by oath: for, every one understands, if the Oath be but a confirmation of a precedent promise, and there were no promise, there can be no oath, to have the nature and force of an oath.

So that, this is manifest, a Magistrate actually dispossessed hath no right to be restored, nor the Subject any obligation to seek to restore, but oppose him. For, what is man, or rather mankind (for, so we have styled a nation) better then a herd of sheepe or oxen, if it bee
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to bee owned, like them, by masters ? What difference is there betweene their Masters selling them to the Butcher, and obliging them to venture their lives and livelihoods for his private Interest ? Wee know it is naturall, that the part should venture for the whole ; but that the whole should venture the losse of it selfe to save the part, I cannot understand. The Governour is the highest and noblest part, yet but a part ; the People is the whole, the End, (though not by office, yet by worth and dignity) the Master and Lord, for whom those who are Lords by office are to be vested and devested in Lordship, when it is necessary for the common good : who thinks otherwise, deserves not the name of a man.

The Seventeenth GROUND.

Of a supreme Governour dispossessed.

BUt one will object, if hee were wrongfully dispossessed, hee suffered wrong; it cannot then but bee reason hee should have reparation. And this cannot bee denied. But beside the Governement taken from him, hee was peradventure injured in his reputation and spoiled of such aliments as are fit to maintaine him according to the quality of his birth and education: And, for these, hee may, as a private man, demand reparation; but so, as still to remember he is a Denizen of that Countrey, a member of that people, and compared to it as a particular to its universall; and may demand his share, yet so that if it cannot bee obtain-

obtained without the concussion of the publicke, hee is to renounce it and sacrifice that interest to the good of his Countrey.

Likewise, on the opposite side, the Common-wealth may demand reparations against the dispossessed Magistrate, who abused it or his subjects during his government: Not touching any thing hee did upon intention of the publick good, though it were breaking of known Laws or any injurious violence offered, with pretence of serving the Common-wealth; For, the trust put in his hands vindicates him from all such actions, as long as they beare the face of any intention of the Common good. But, if, for private mens satisfaction, or his owne lust, or covetousnesse, hee did any wrong, of that hee may bee asked an account: not while hee is in Government but after the dispossession,

when now the common distemper followeth not the prosecution of such riots, and so, his publicke protection beeing gone, hee is but a private man, and consequently, by the force of nature, subject to a stronger; obligations of common good and former promises beeing now faded away, and hee left in the condition of a stranger, saving that his demerits follow and pursue him, if other merits doe not counterballance them and exempt him.

Againe, when hee is to bee judged, he cannot bee proceeded against by Law; which can judge none but the offenders against it. Now wee have had often occasion to declare that the chiefe Magistrate is not under the Law; the common good for which the Lawes themselves were made, beeing committed to his trust, and the end hee is to look after

ter beeing higher then the Lawes, which are but a part of the meanes to arrive at that end, and therefore inferiour and subordinate to it. But those who could put their owne agreements, that is, the Lawes under his feet, could not put Nature under them, nor authorise him to doe any irrationall or unhandſome action: Therefore, when the ſtructure of the Common-wealth is diſſolved, that is, disjointed from him, then any who hath ſuffered wrong in the fore-declared manner may bee party againſt him and proceed as if there were no Common-weath; by the Law which, in a Wilderneſſe, warranteth us to kill a Tyger or Robber that ſeeketh to kill us, not pretending Law for our action, but that it is manlike & rational. Neither ought it bee called puniſhment that is done againſt a diſpoſſeſſed Magiſtrate, but rather revenge, or ſome

other name that includeth no order to Law.

By this wee understand the truth of that famous question; Whether a Sovereigne bee under the Lawes? to which is ordinarily answered, that hee is, as farre as his example and direction is necessary to his subjects; but not so, that the Law, as such, hath any superiority or force upon him. To declare this more plainly, wee must remember, the Rule of his actions is, To doe what reason teaches a man in his posture ought to doe, that is, what is fitting for the publicke: Now generally speaking, the common good requireth that the Lawes bee observed betwixt fellowes of the same Common-wealth; wherefore Nature teacheth him to give example of that observance, as farre as his publick office permits.

Besides, in the very person of the
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Soveraigne are to bee distinguished, his beeing one of the Commonwealth, and beeing the head or Magistrate: So that, though his beeing a Magistrate exempts his publicke actions and also his person and private actions from the inquisition of the Law; yet it doth not exempt his private actions from the proportion to those of the subjects, that is, from being good or bad, because like or dislike to the actions which the Law commandeth or forbiddeth. So that, he is not, even in his private actions, subject to the Lawes at his *rule*; for *that* is onely reason; but, as they are a kinde of way chalked out to him for the materiall part of his action; as the Architect frames his house for him; or the Gardiner his walkes: That is, the Lawes are to him as an art under him, an art to shew him what is to bee done, not to command or

punish him for not doing; nay, not so much as necessitating him to doe, at least, universally, whether the businesse be purely betwixt subjects, or betwixt himselfe as a private person, and his subjects.

For, the principle of common good being higher then the art of making Lawes, may, nay ought in some cases, differ from the prescriptions of the Law. Yet this must not authorize him to dispense frequently with the Law; the Governement being not possible to bee good in which there is no constancy: But, if the circumstances require any Law to bee often forced; the Law it selfe ought to bee limited, that the practice of the subject may bee firme and customary, which is that maketh the Lawe-please. Thus in conclusion, though the Magistrate bee not commanded by the Lawes, nor personally subject to them, yet
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reason (which is his rule) bindeth him to observe them as the good of his people; and (ordinarily speaking) essentiall to his end, which is the common good. The Lawes therefore are his matter to work on, or instruments necessary to work by, not his rule or Mastering directions.

There remaines yet untouched the question that seemeth most troublesome to many, When the change of the Governement is valid, and such as the subjects obedience is due to the new Magistrate and to bee subtracted from the old, how unjustly soever hee were bereaved of it. And, others have sought by terme of yeers to decide the difficulty: among whom, one was Pope *Urban the eight*, an intelligent and generous Prince and well versed in politick Governement. Hee published a decision that after five yeers

quiet possession of an estate, the Church was not bound to take notice whether the title were lawfull or no; but acknowledge the possessor, in Ecclesiasticall businesse. So much hee said for aimes sake. But, wee must proceed upon other principles, that is, the forelaid and main *basis* of our discourse, that the common good ought to bee the rule of the Magistrates title, and the subjects obedience.

Out of which this followeth, that when ever (considering all things) the common good is cleerly on the possessors side, then the dispossessed hath no claime. Neither ought wee expect till wee have assurance, that it will not bee better for the subject if the late owner (after great dangers, gaineth his former power: For, first, this it selfe is uncertaine; secondly, the successe of endeavours to restore him must

must bee hazardous ; thirdly, many and great mischiefs, during the time of the attempt, are altogether unavoidable ; and all this to bee balanced against those uncertaine hopes. Nor, againe, must wee expect that the wills of all the subjects concurre, actually, to the acceptance of the new Governour : For that is either impossible or of so long expectation, as to ruine all dissentions and jealousies in the meane time : Nay, the vulgar sort are so easily led by fancy, that they understand not the common good, nor what they should wish.

But you may demand, How shall it bee knowne when the common good holdeth it selfe on the possessor's hand? I answer, wee must first see who are the common, whose welfare is to bee preferred before private interests. And presently it appeareth that, dividing
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the whole people into Governours and governed ; the governed part is the Publicke to whole good the Governours are to direct their paines : And that these are they that spend their lives in seeking their owne profits, either by improving the Land, or in Arts and Handicrafts : Whence, it followes, when their good stands on the possessours side , then cleerly hee begins to gaine right and power ; and this is plaine to bee, when the Merchant, the Husbandman, and Tradelman, with their appendices, are in an undisturbed practice of their functions, and begin to bee afraid of change upon the noise of an invasion.

This resolution could not bee doubted, were it not that one might object, that what is said seemes true, abstracting from circumstances ; but it ought to bee considered, that
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such men see nothing but the outward appearances of what passes in humane negotiations, and so there may many circumstances lie hidden from them, which would make them thinke or wish otherwise if they knew them: As, for example, home-discontents, and forraigne conspiracies; which if understood, would make these honest men preferre a warre, after which there is to follow a peace farre exceeding the present quiet and such a one as deserves the intervening disturbance and damages.

And indeed, I allow these men understand not such mysteries of State, nor penetrate the value of the hazard: But, if they doe not, why are they not also exempted from engaging on those motives? and then the rest of the Common-wealth will bee but so many private men, who must follow the common. Againe,
if

if they think themselves well, they manifestly consent to the present Government, and therefore cut off the title of the dispossessed Governour. Besides, who can answer they shall be better by the returne of the dispossessed party? Surely, by common presumption, the gainer is like to defend them better then he who lost it.

But, let us overslip this opportunity and end of the common Good: how long must we expect, till it shall be suppos'd the right of the former Magistrate is extinct? Some Ages? as wee kept our title to *France*, and *France* did to *Sicily* and *Naples*: Or at least some generations? as the durance of the *Spaniards* warres upon *Holland*: Or, till the former Magistrate declares the relinquishment of his right? Or, till his followers are weary of inventing new devices, to blind, & ruine their unwary friends?

All

All these are soone discern'd to bee meere uncertainties; and rather nets to catch fools and bring them to the ambitious desires of some few men, then any grounded reason. But, what if an open Enemy should come, could or ought the Subjects joine against him with their new Magistrate? If not, the whole publick must perish: If they may, then the case is the same against their old Magistrate; since his right stood upon the common peace, and that is transferr'd from him to his rivall by the title of quiet possession.

The

The Eighteenth GROUND:

The Objection of Divines answered.

Reason hath plaid its part ; but Authority cannot be silenc'd unheard. Let us therefore hearken to what it saith. And, first steps up the Divine to preach us, out of Scripture, the duty wee owe to Priests and Kings ; no lesse then death and damnation beeing the guerdons of rebellion and disobedience. The Lawyers come yoaked from the Popes and Emperours Court, taking for maxime, *Tempus non occurrit Ecclesiae & Regi*. The practice seems to confirme the same ; wee seeing both some Noble men and divers Cities make protestations against the possession of others for many years and ages. But, which is more,

more, they will ſpeak reaſon too at leaſt, by the Divines mouth; who telleth us, that God, by nature, is high Lord and Maſter of all; That whoever is in power receiveth his right from him; That Obedience conſiſts in doing the will of him who commandeth; and concludeth that this will ought to bee obeyed till God taketh away the obligation, that is, till hee who is to be obeyed himſelfe releaſeth his right.

The Authorities they cite out of Holy Writ are, for the moſt part, meere commands to obey where obedience is due, without ſpecifying what or when it is due. This command is extended to wicked and evill Governours as well as good. One place there is, where *Samuel* denounceth to the people the evils that will come to them by the power of the King; and calleth them *Jus Regis*, or, as the Hebrew text, *Judici-*

um Regis, or, *Legem Regis*, and afterward, *Regni*. And these words are, in two senses, true; one, that the King would do the wrongs there mentioned, by force; the other, that the people, since they would have a King, ought not to resist him when hee did such things. Yet doe I not deny but, if the particulars there mentioned, bee interpreted gently, all that is there recited might, with justice, bee practised by a King: As, when it is said hee should take away their Vineyards and Olive-gardens; it may bee understood, upon confiscation and by other lawfull wayes. Besides, they may peradventure alledge, that God, by his speciall command, transferred the Kingdome from *Saul* to *David*, from *Roboam* to *Jeroboam*, and some others. But, they should also let us know, what they deduce from hence: For in such changes, God gave no

new

new Authority or Power to such Kings, but the same their predecessors had : So that, in fine, all that is brought out of Scripture falleth short of proving that no time can make void the right of a King once given him from the hand of God.

The reason of this weak way of al-
leadging Scripture is, that when they
read that God commandeth or doth
this, they look not into nature to
know what this commanding or do-
ing is ; but presently imagine God
commandeth it by expresse and di-
rect words, and doeth it by an im-
mediate position of the things said
to bee done ; whereas in nature the
commands are nothing but the na-
turall light God hath bestowed on
mankinde, and which is therefore
frequently called the Law of nature.
Likewise, Gods doing a thing is
many times onely the course of na-
turall second causes, to which be-
cause

cause God gives the direction and motion, hee both doeth and is said to doe all that is done by them; as truly as the weight of a Jack turnes the meat upon the spit, and the spring of a Watch makes the clock of it strike: A notion not onely of a large extent and usefulnessse in it selfe, but, which gives mee just occasion of complaining against these verball and winde-blowne Divines, as the bane of Christendome and Christian doctrine. For, whereas the Scripture is a book enriched with all Science and depth of learning; this sort of Grammar Divines, without either Logick, Philosophy, or Morality, meerly by the vertue of their Dictionary, and such like lip-learning, undertake to bee interpreters of the sacred Bible, and in stead of the sence of the letter, obtrude to the Readers their owne low and many times phreneticall fancies.

Let

Let us instance in our present question. The first position they take is, That God is Lord and Master of all things. What seems, nay truly is more conformable to Scripture and Reason then this assertion, as it lies in words? And yet many not looking into the nature of God and rationally and intelligent substances, make a shift to pervert it into a meer blasphemy: For, if the sense be onely this, that God is omnipotent and no resistance possible in any creature to his absolute will; nothing is more certaine, nothing more holy. But, this is not the meaning of the Divines; but, that there is an Attribute or notion in God of being Lord and Master, to which they do not say we cannot, but, ought not resist, and rather admit that wee can. And herein is the first faltring, that, in effect, they deny the Omnipotency, and reduce that which is a
true

true physicall power to a Morall obligation. But this is not all.

The next point is, that, if even this Morality were founded in that great nature of Beeing, and beeing intelligent, which is in God almighty; and that they also held his commands were to bee obeyed, because they proceed from an understanding which cannot erre, and which is essentially the very order and well beeing of all creatures; the former would seeme pardonable: But, they will have it quite contrary, that therefore things amongst creatures goe well, because not reason, not the eminentiall beeing of themselves in God is their off-spring, but because a high and overpowering will or voice commandeth it so. A position in respect of God, absolutely blasphemous; as far as it makes him worke without the guidance of his understanding, that is, like
the

the lowest order of creatures, as stockes and stones &c. It is againe afflictive and vexatious to Mankind; taking away that sweetnesse of obeying, which consists in the perswasion that because creatures are the participation of Gods owne nature, every one in its degree and mankind in the first and highest place, therefore all Gods command and government, are most conformable to their good, as it were salves to their sores, and allurements to the bringing them to their final end and perfection.

But, that which is more to our purpose is, that, upon this blasphemy against God, they build the greàtest inconvenience that, peradventure, is to bee found in man's nature; to wit, That God gives to all in Power the likeness and participation of this irrationall Dominion which they conceive in him;

him; and that truly there is in Superiours a kinde of dote or free gift of Mastery derived from God, in vertue whereof hee is Master of the inferiours and what belongs to them, either wholly or in a certaine measure, according to the extent of the power given; that, lawfully and validly, he may dispose of all or a certain part of the things under his charge, meerly because such is his will and pleasure, & that the subject ought to be content to let him doe his will, upon this score, Because it is Gods will that this mans will should be fulfilled. Which doctrine, though it bee manifestly against Christs directions left to his disciples, and the practice of all good men; yet, because this Treatise doth not pretend to Divinity, I will onely insist upon its naturall inconveniences.

As first, that it is not connatural

rall to Mankinde : which, consist-
ing, for its better part, in under-
standing, is not governed confor-
mably to its disposition, unlesse it
be so guided that the understanding
be principall and satisfied in it selfe
and leader to the will and action ;
which courſe of proceeding when
it is observed, then is a man truly
a man and his action goes on with
sweetneſſe , as is before declared.
Againe, it maketh the Governour
proud, insolent, and careleſſe. Proud,
becauſe hee taketh himſelfe to bee
of another orbe then his Subjects ;
that they are all ſlaves and beaſts,
himſelfe onely Maſter , himſelfe
onely intelligent and a man. Inſo-
lent, becauſe fully perſwaded, by
this doctrine, that he can doe them
no wrong ; that they are bound to
ſuffer what he layes on them ; that
his pleaſure is and muſt be their
content and rule. Careleſſe, becauſe

he thinks he hath no account to make, either to God or Man : not to God, since he hath submitted the people to his will and disposition ; and therefore he being incapable of doing them any wrong, cannot bee charged with any crime : Much lesse is he sollicitous to content his Subjects, in whom he taketh it for an insolency to repine at any thing, and esteemes it their duty to commend all he does, and to have his authority for their rule to judge all things by.

On the other side, the Subject becomes base, restive, ambitious. For, the worth and dignity of man, which is his Liberty or guidance of himselfe, being taken away, it followes, he must be servile and flattering, a slave, a body without soule and understanding. The more worldly and rustick part must, of necessity, grumble and feele it harsh
to

to see their labours disposed on to people, of whom they have opinion that they are idle, vicious, and unworthy : and therefore, desire liberty from such a yoke, and to become masters of their owne goods and labours ; and are easily susceptible of propositions tending to that purpose, when they come from faire tongues. Lastly, the higher Spirits have Gouvernement in admiration, and take it for the onely happinesse ; and therefore have their hearts wholly bent, how, by flattery, by cunning, by force, to arrive to this power to depose him that is in possession, and sit downe themselves in his seat of glory. If their hopes mount not so high, for the impossibility of the fact and the remotenesse of their quality ; then their aime is, by adulation and compliances, to come neere the highest, to bee participant of his authority,

and have the like power to rob and oppresse, which they esteeme vertuous and glorious in him, and not unjust but fitting in themselves, as farre as they can doe it by the participation of that dote which God hath bestowed upon the highest Magistrate.

Lastly, we must looke into the lame proceeding of the common good and publicke actions of such a Governement; where the Subject, by the consequence of this doctrine, is set eagerly upon his owne interest, thinkes all lost that is done for his, not Governour or Protector, but Lord and Master, and therefore alienated from him. Whence, it must come to passe that, what he can couse, what hee can excuse, what hee can delay, hee is still forward to; and, by a secret instinct of nature which abhorreth such a Governement, thinketh it well done

done, though he cannot give an account to justifie his action. In a word, who sees not this Commonwealth to be a Kingdome divided in it selfe alwayes in affection, and very neere in outward action; wanting thereunto nothing but an occasion, and some head to manage the sedition? who sees not that the whole Governement is violent; and so may indeed continue whilst actual force hangeth over it, but hath not the possibility of a naturall duration and length.

The nineteenth GROUND.

The Authority of Lawyers insufficient in this Question.

THE Divines errour being thus discovered, our plea against the *Lawyers* will be of lesse either debate or consequence: for, this question belongeth not to their science or employment. The maximes, the rule, the highest Tribunall of their Judgements is the text of the Law, the agreements of men, and, at most, to declare the Law-makers intention: But, to judge whether the Law-makers intention be conformable to nature and such as it ought, whether he exceedeth his power, whether hee bee Master of the Lawes, and the like, is beyond the verge of their jurisdiction. Therefore, nothing

thing is more absurd, then to demand that Lawyers should plead cases betweene the Sovereigne Magistrate and the Subject, where the common good and Governement is interessed: For, there, things are not to be carried by the Dictates of *Justinian* or *Lancelotus*, or the command of *Cesar* or *Peter's* Successours, but either by the Science of Politicks, or the certitude of Faith and Tradition; which are the onely two rules a high Governour hath. If the Divine findeth any thing contrary to the knowne Law of God, he may speake: If the Philosopher finde any thing against the Nature of Man, his mouth is not to bee stopped: The Lawyer, what can he say? It is against the agreement heretofore made by the Governement of the Countrey? The Governour may reply, Yes; but what you say is against the present

I 4 good

good of the Countrey, with which I am entrusted. Is the Countrey made for the Lawes, or the Lawes for the Countrey? The Lawes therefore must give place, where the good of the People is against the former Resolutions. If any Law be repealed by the Authority which made it, or by another equal; is it the Lawyers part to plead what was Law before, or what is now? when a supreme Governour speaketh as such, as declaring what the present necessity requires; if any former Law bee against it, it is by his declaration annulled; it was Law before, but it is not now. But the Lawyer will reply, There is no Law in the Land which giveth such authority: It is easily answered; it is not a case for which a Law is to bee made. See the Romane Governement: when there came an exigence of desperation, all their
Magi-

Magistrates, all their formes ceased ; a Dictatour was made, whose word was Law, nor could any man appeale to Law. Such is the Case when the high Governour pronounceth against the Law : for hee ought not to doe it, but when the Law standeth not with the good and safety of the Subject ; and when hee doth, Law is not to be pleaded against him.

Againe, can any Law be enacted of what shall bee done in case of a conversion of the Government ? It is clearely a folly to pretend it. The ordering of the Commonwealth is, then, in new hands : The former's power is expired : and to prescribe rules to them who will assuredly be their owne Judges, is a piece of great simplicity. The Lawyer may peradventure reply, There is no power in the Land to repeale the former Lawes or to op-

pose them. I thinke hee will bee wiser; yet, if hee doth say it, I aske him, Who made the former Lawes? was it not the People, by themselves or their deputies? and which is the stronger, if they make them by their deputies, or by themselves? Certainly, it will be answered, By themselves; for the deputies have no power but what they impart to them. Is it then possible to put a Case, in which there is no power in a Countrey to repeale Lawes? Evidently, who sayes so must say there is no People in the Countrey? For, if there be People, there is in them a power to dispose of themselves, more strong then in Deputies.

But the Lawyer may say, the People cannot speake their mindes freely. I answer, certainly, they not onely can, but cannot choole but speake their mindes, in the case

we

we put. Who knoweth not that Liberty and speaking of ones minde belo geth to all circumstances a man can be put in? The Merchant that, in a Tempest, throweth the precious fruits of his venture and labour into the Sea, doth not he doe it freely and willingly? The *Hollanders* of late made a peace with the *Spaniard*; wee, both with the *Hollander* and the *Dane*, and are pretending to others: In any of these, were all parts pleased? Did no party agree to somewhat which hee would not have done, but in consideration of his present circumstances? Or, was there ever peace made after a warre, but one part grudged at somewhat? must none of these be accounted freely done? must none of these promises binde, and be kept, upon Honour and Veracity? This is to destroy all commerce of mankind; nay, not to allow

allow man so much wit as to know what is fit for him to doe in time of necessity. If then the People speake, in one circumstance, something that they would not in another; it is not to be said they speake not their mindes, but that, according to circumstances, they alter their mindes, as all wise men doe. They agree and submit to the present conjunctures, not because they are not free, now as before, but because circumstances are changed, and now render it fitting. But, I said that, in the case I put, they could not choose but speake. My case was, that Then a Governour is acknowledged, when the People casting off the care and thoughts of innovation, fall to their trades and manufactures: Can it be deny'd that by so doing they acquiesce to the present Governement? which if they doe, can it be questioned whether they

they consent or not to the repealing of all such Lawes as cannot stand with the present Government? Such Lawes therefore are repealed, not by deputies, but by the Deputants and Masters of the Deputies. The Lawyer, therefore, must either proclaime the present Government none, or not plead Law against it: for it is pure folly to admit both, that is, faire and full contradiction. In a new Government, all Lawes prejudiciall to it are annulled, by the pure admission of it: Other *indifferent* Lawes lo goe on, as to bee subject to its judgement, whether and how farre to stand; but a wise Governour will continue them as farre as hee can with prudence, because innovation is contrary to the sweetnesse which is in custome, as in a kinde of nature.

The

The Conclusion.

BEE this then so resolved, That God himselfe hath no irrati-
onall and dead title of Lordship
over his Creatures, but onely his
all-right-setled Understanding, and
irresistible Omnipotency. And,
as hee hath none in himselfe, so
likewise not given any to those hee
hath put in Authority; but, that
their power is either in the submis-
sion of the Subject by promise and
agreement, or in the rationall dispo-
sition of the Magistrate, which
maketh him work what is confor-
mable to humane nature; and the
obedience or obligation to obey in
the Subject is out of this, That hee
hath entrusted the Magistrate with
the Governement, and is, by that,
to suppose he doth regularly what
is

is best (all things considered) for the common good.

That, by consequence, the title of the Magistrate begins and dies with the good of the Common-wealth; and holdeth purely so long as it is good for the people. That, no Lawes made by the power or agreement of men, can judge betwixt Subject and Sovereigne, in dispute of the common good and Government; but onely the Tribunalls of God and Nature, or Divinity and the science of Politicks: And therefore, the maximes of Law have no force in these questions; Now, if Princes lose their pretences by the force of Nature, it is ridiculous for private men to build hopes, upon rotten titles of ages long passed, upon weake maximes of Law, after Nature, by her revolutions, hath cast all Law and mortall acts and agreements.

And

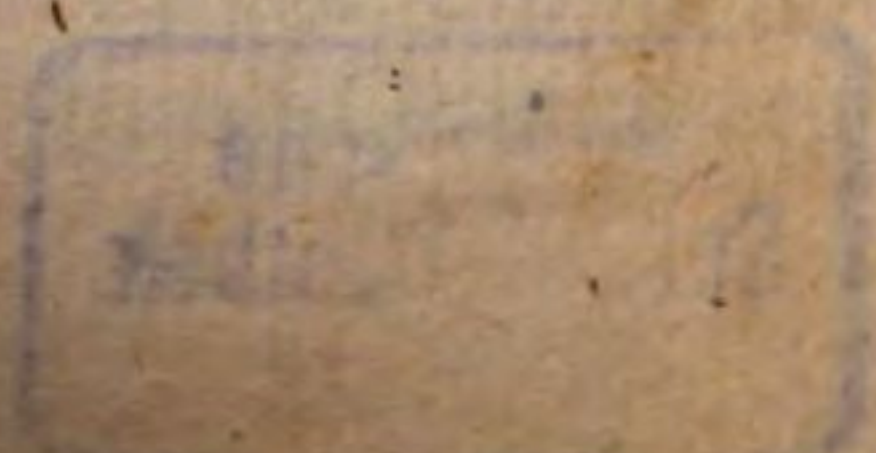
And so is finished this final Treatise, to the profit of them who are able and willing to make use of it. Some, by the method I have used, something new in morall discourses, may imagine the Doctrine I deliver, to bee more subtile in explication then solid in practice: But, let them either looke into the Causes of Governements, or the Effects; they will see nature and practise both conspire to give testimony to the truth. The cause of all morall effects, if morally carried, are the end and intention for which they are sought and endeavoured after; This is manifest to bee the well-being of particulars under a Government. The practises, which are the Effects, will shew, That Governements breake when it is not well with the Subjects, but they are oppressed by the Governour; That wise and good Governours are forced

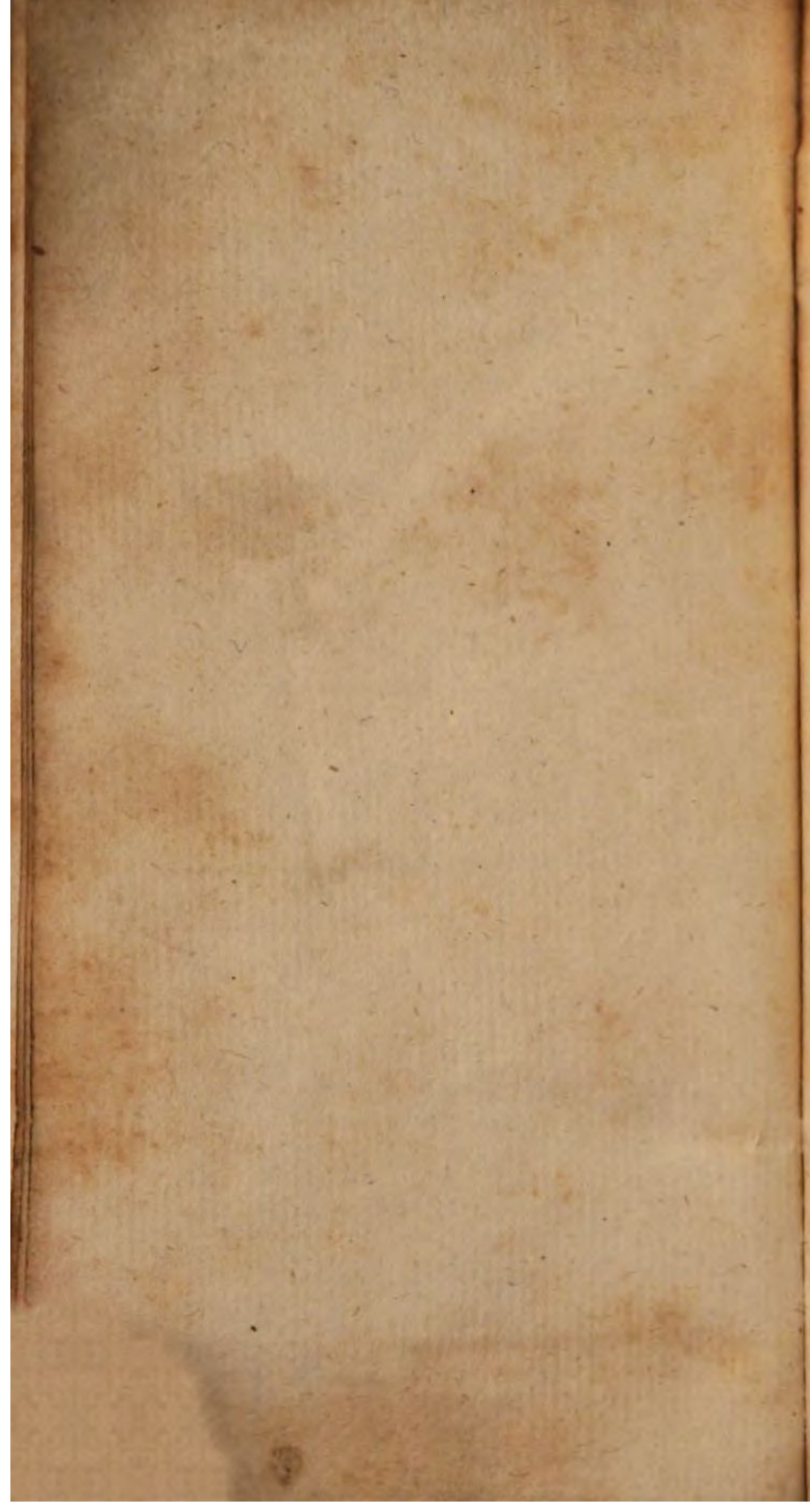
ced sometimes to breake disordered rules which hinder their free administration; That people, as it were, forced by naturall changes, violate the promises made to their Governours, cast them off when they think them pernicious, and proceed against them, *per viam facti*, as they speake in the Schooles, not by Lawes, which cannot bee made for such matters. These are, in a manner, the whole subject of the precedent Discourse.

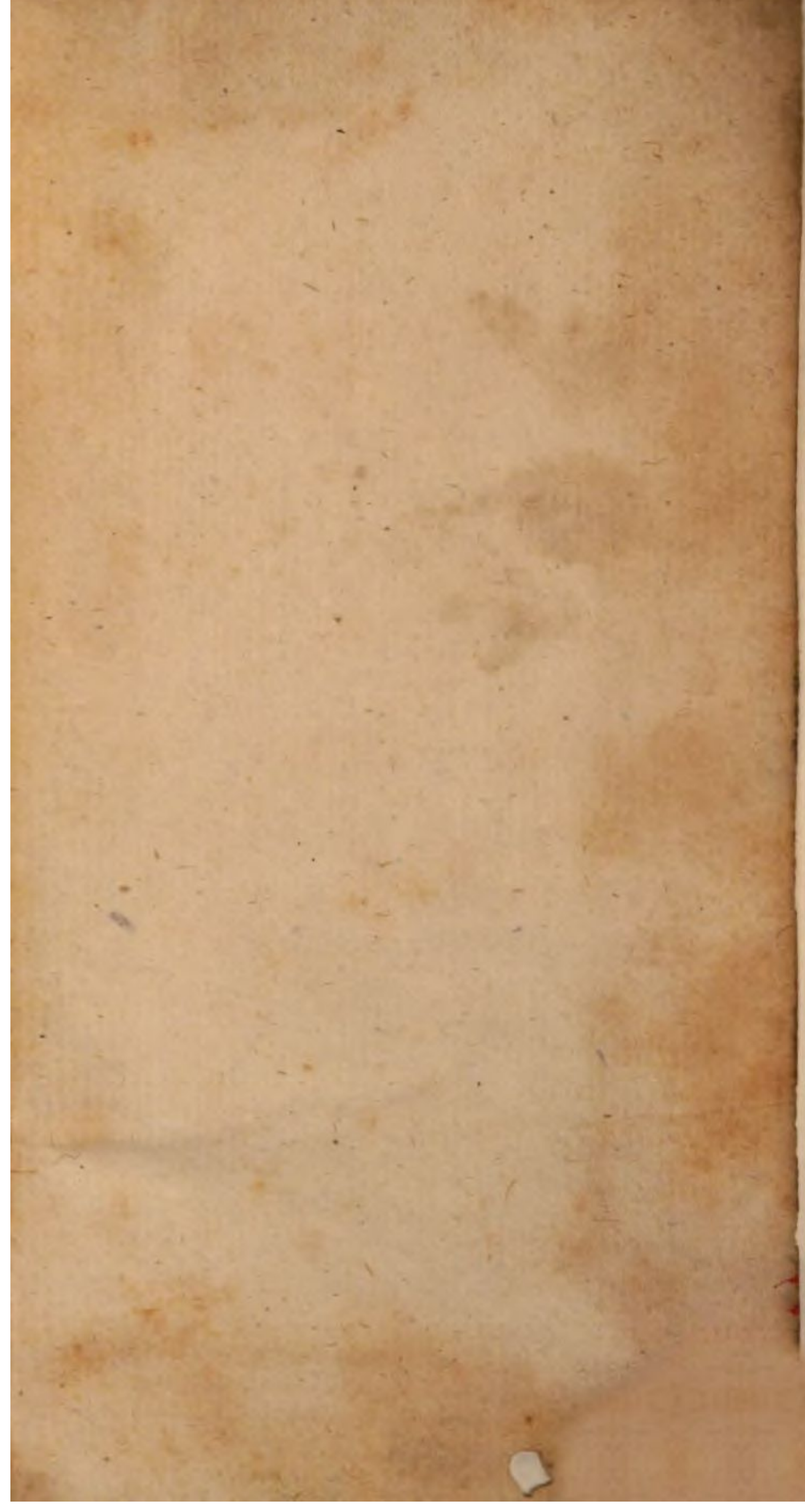
F I N I S.



and various to people of different
nations which have been
observed. The people as a nation
forced by natural changes, violent
the people made to their laws
and not off when they think
their principles and proceed against
the law as they think
to the scholars, and the law
which cannot be made for such
these are in a manner
the subject of the present







White, Thomas

The grounds of obedience and government

London 1655

Ph.pr. 1266

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